The Solicitors' Journal

Vol. 105 No. 23 [pp. 495–514] JUNE 9, 1961 [One shilling and ninepence

JUNE 9, 1961

THE
SOLICITORS' JOURNAL

VOLUME 105
NUMBER 23

CURRENT TOPICS

Registration of Charities

THE Charities Act, 1960, introduced compulsory registration of charities, subject to exceptions, but so far only those charities which came into existence since 1st January last have been required to register. The first registration order under s. 4 (10) of the 1960 Act has now been made and from 22nd June next charities whose work is carried on for the benefit wholly or mainly of any part of Bedfordshire or Surrey, including Croydon, will be registrable (The Charities (Registration) (Commencement No. 1) Order, 1961 (S.I. 1961 No. 987)). A charity within those areas need not register, however, if its inmates are drawn from the country at large, e.g., a charity running a home or school. Section 4 of the 1960 Act specifies other charities exempted from registration including one having neither any permanent endowment nor any income from property amounting to more than £15 a year, nor the use and occupation of any land, and no charity is required to be registered in respect of any registered place of worship. Excepted charities may apply voluntarily to be registered. The advantages of registration include enjoying the conclusive presumption of having the legal status of a charity which should facilitate obtaining relief from income tax, and from rates to the extent provided in the Rating and Valuation Bill when that is in force. The persons having the management of any charity to which the order applies should now apply to the Secretary, the Charity Commission, 14 Ryder Street, London, S.W.1, or to the Secretary, Ministry of Education (Legal Branch), Curzon Street House, Curzon Street, London, W.1, for the registration of their charity. The Ministry of Education is concerned with charities which have educational and kindred objects. The charity should write to the department to which they usually apply for advice about their affairs; but if they are in doubt they may write to either, and their inquiry will be dealt with by the appropriate one. The Charities (Exception of Religious Charities from Registration) Regulations, 1961 (S.I. 1961 No. 986), also operative on 22nd June, except religious charities, including those for the relief of ministers and former ministers of religion and their families, from the duty to register under the 1960 Act until 1st January, 1963.

Lawyers in Industry

AN interesting review of the role of the lawyer in industry is included in *The Times Review of Industry* published on Wednesday. The article by Mr. DAVID ROWE is based on the results of analysing answers received from 138 companies to a questionnaire sent to 184 companies in this country most of which had assets of or over £10m. in 1957.

CONTENTS

It is estimated that between 1950 and 1960 the number of lawyers employed in the legal and secretaries' departments of public companies in manufacturing and distribution nearly doubled to between 350 and 400. Of these, over two-thirds are solicitors and under one-third barristers. In the same period amongst the companies sending replies the number with legal departments has increased by over a quarter, from thirty-nine to forty-nine, with qualified lawyers employed rising from eighty-five to 163. The types of work with which lawyers in industry are concerned vary but an outstanding speciality is process licensing in connection with trading in companies' research activities. This, in part, may explain why such newer industries as the chemical, petroleum and electrical engineering ones employ a much higher number of lawyers than other industries, the metal manufacturing, general engineering and shipbuilding industries in particular apparently employing few lawyers. Company law and drafting of commercial contracts were other activities widely undertaken. Many companies, the article states, find that the training and background of a lawyer make him especially useful outside the law as such. Some companies use their legal departments as training grounds for management. This policy appears to be justified by the results of the survey showing that the chairmen of three of the forty-nine companies with legal departments and the deputy chairman of a fourth are ex-heads of legal departments; and in at least five other companies either the present head or a previous head sits on the main board. An interesting trend is revealed in that the increase in the numbers of lawyers in industry rose much more sharply in the five years following 1955 than between 1950 and 1955. This trend may well continue in view of what industry can offer professionally qualified recruits in the way of salary and other facilities. If it does, the difficulties already facing private practitioners in obtaining trained staff are likely to be intensified.

Perpetuity and Uncertainty

UNDER the perpetuity rule, the vesting of real or personal property may not be postponed for a period longer than a life or lives in being, or for twenty-one years after the cesser of such life. However, even if a trust appears to satisfy these conditions, it may still be void on the ground of uncertainty. Thus, in *Re Moore, Prior* v. *Moore* [1901] 1 Ch. 936, a testator bequeathed New Consols to trustees "for the longest period allowed by law, that is to say, until the period of twenty-one years from the death of the last survivor of all persons who shall be living at my death," and it was held that the gift was void for uncertainty as it would be impracticable if not impossible to discover when the selected lives ended. The same point has been taken in several cases where the selected lives were the descendants of Queen Victoria and in *Re Villar, Public Trustee* v. *Villar* [1929] 1 Ch. 243, a testator, who died in 1926, gave property to trustees upon certain trusts under which the capital was not to vest until the expiration of "the period ending at the expiration of twenty years from the day of the death of the last survivor of all the lineal descendants of Her late Majesty Queen Victoria who shall be living at the time of my death." The Court of Appeal recognised that it might be extremely difficult and expensive in the future to ascertain the date of the survivor's death, but their lordships decided that the trust was valid. On almost exactly similar facts, Morton, J., reached the same conclusion in *Re Leverhulme, Cooper* v. *Leverhulme* (1943), 169 L.T. 294, but his lordship uttered a note of warning when he said that, while the clause in question could still be validly employed in the case of a testator dying in 1925, he would not "encourage anyone to use the formula in the case of a testator who dies in 1943 or at any later date." However, it seems that his lordship's fears were without foundation. In *Re Warren's Will Trusts*, which we report this week (p. 511), a will made in 1936 by a testatrix who died in 1944 postponed vesting of the capital and income of her residuary estate until the expiration of twenty years after the death of the survivor of the issue living at her death of Her late Majesty Queen Victoria. CROSS J., held that the trust was not void for uncertainty as, in the light of an affidavit sworn by an expert in royal genealogical matters, "it was impossible for him to say that an inquiry to ascertain issue [of Queen Victoria] living in 1944 would be abortive."

Tortious Liability of Parents

ALTHOUGH a parent is not normally liable for the torts of his child, he may be so liable if the child's tort can be attributed to the parent's negligent control of the child in respect of the act that caused the injury. This principle has been applied in several cases arising out of the possession of guns by children and in one of the more recent of them, *Newton* v. *Edgerley* [1959] 1 W.L.R. 1031, LORD PARKER, C.J., said that he believed "that in the exercise of reasonable care the defendant either ought to have prevented his son from having the gun at all or, if he had the gun, . . . he should have given him very careful instructions as to the use of the weapon if others were present." *Martin* v. *Bartlett* (1961), *unreported*, a recent decision of the High Court was a rather different case. The defendant's twelve-year-old son intended to frighten two boys who were hiding in a lavatory by firing a cartridge outside the door. He fired the gun and accidentally shot one of the boys in the stomach. This boy, the plaintiff, recovered damages from the defendant because, in the view of SLADE, J., the defendant had been negligent in leaving the assembled shotgun and live ammunition where they were accessible to his children or in allowing them to be left in such positions. There does not appear to have been any suggestion that the defendant was negligent in allowing his son to have and retain the gun (cf. *Newton* v. *Edgerley, supra* and *Bebee* v. *Sales* (1916), 32 T.L.R. 413) but he was guilty of negligence in allowing his son to have access to it (cf. *Dixon* v. *Bell* (1816), 5 M. & S. 198).

Report on Companies

THE Companies General Annual Report for 1960 (H.M.S.O., 1s. 3d.) shows that the year by year increase in the number of new companies registered in Great Britain in recent years continued in 1960. The figure of 34,312 new companies registered in that year is the highest in any year since records were first started in 1862 and is nearly 20 per cent. more than in the preceding year and approximately three times the number registered in 1950. The new companies were nearly all private companies. The total number of companies on the registers now exceeds 390,000 of which some 375,000 are private companies. The total paid up capital of companies with a share capital was some £7,385m. at the end of the year of which some £2,660m. was private company capital. During the year 8,786 companies were dissolved or struck off the registers, and winding-up proceedings were begun in 4,506 cases of which 535 were compulsory liquidations.

THE NATIONAL CONDITIONS OF SALE

EDITIONS 1 TO 17 AND BEYOND

THE thought that the National Conditions of Sale are already in their seventeenth edition prompts the question of what are the main forces of change which bear upon them. Seventeen changes of edition in all, and six or so since 1925, seem quite a lot of changes in a context of conveyancing, which is traditionally conservative.

On the need for new editions from time to time opinions seem to differ widely. For example, whenever the bank rate is changed, somebody wants to know whether the National Conditions of Sale are going to rush into a new edition to cope with the situation. At the other end of the scale is the correspondent who, whenever a new edition does appear, having detected some change made in a familiar condition, promptly writes to say that he himself intends to continue with the old one. In between the two extremes is to be found the main body of stalwart practitioners, who tread the familiar paths of practical conveyancing firmly, and often with but light regard to what the National Conditions of Sale have actually said, either in their current edition or in previous editions, but who nevertheless turn to them in moments of difficulty, in the expectation of discovering that the draftsman has happened to foresee some crisis, which in a particular case they have omitted to foresee themselves. Such men are those for whom the successive editions of the National Conditions of Sale are in truth designed.

It is seldom that any single influence is sufficient by itself to occasion a new edition. An exception was perhaps the fourteenth edition, which, issued in May, 1948, survived only till November of the same year. At a time when in some quarters the Town and Country Planning Act, 1947, was being heralded, unwarrantably, as a conveyancing revolution, the fourteenth edition of the National Conditions of Sale dismissed it too curtly with: "The purchaser shall also be deemed to buy with full notice in all respects of the existing use of the property for the purposes of the enactments relating to Town and Country Planning." So November, 1948, brought the fifteenth. Generally, however, it takes a combination or build-up of things to cause a new edition to be prepared.

The influencing factors can be put under various headings.

Statutory changes and developments in the law

The 1925 property legislation was, of course, an example of this in a large way. But in the more normal way of things what are envisaged here are the Town and Country Planning Acts, the various Landlord and Tenant Acts, the Rent Act, 1957, even the Costs of Leases Act, 1958, and other Acts which are such as to make conveyancing practitioners say to themselves: "I wonder if the National Conditions of Sale are looking after this for me?"

Decisions of the courts, bearing upon the conditions themselves or upon conveyancing generally

In this category come cases like *Butler* v. *Mountview Estates, Ltd.* [1951] 2 K.B. 563 (concerning the effect of the statutory covenants for title in relation to the state of repair of leasehold property sold), *Smith* v. *Hamilton* [1951] Ch. 174 (concerning the perennial difficulty of time and the essence of the contract), and *Re Barr's Contract* [1956] Ch. 551 (on the same general topic, but actually on condition 23 (1) of the sixteenth edition of the National Conditions of Sale themselves). The next case in this category, for better or for worse, is likely to be a case on condition 22 in the present (seventeenth) edition.

Changes in the "temperature of the water"

Particularly since the Second World War, market conditions have borne upon the law and practice of conveyancing in changing ways and sometimes in exactly opposite senses at different times during the life of a single edition of the National Conditions of Sale.

Thus, for example:—

(*a*) At one time there were purchasers eager to get in and have somewhere to lay their heads, but title yet to be deduced, mortgagee's solicitors yet to be satisfied and so on. This gave rise to conditions for "occupation pending completion," such as would never have found favour in former times and such as is still condition 7 in the seventeenth edition. It also produced the problem of the purchaser who got in and then would not complete.

(*b*) At another time there were purchasers still eager to get in, and with plenty of ready money besides, but vendors unwilling to move out till they could themselves get into their next intended abode. This produced a demand for conditions which were more pro-purchaser, and the National Conditions, which had till then generally been regarded as rather pro-vendor, responded to the demand. The high-water mark of this response was the phrase "a vendor retaining or withholding possession . . . shall be charged the equivalent of a fair rent" in condition 5 (ii) of the sixteenth edition.

(*c*) Later on into the realms of "credit squeeze," with vendors eager to get out and see their money, but purchasers hard put to it to find mortgagees and unable to hurry them up, even if they could find them. By this time the role of the mortgagee (institutional or otherwise) not only in financing the purchaser, but also in thereby sustaining the rising prices which vendors expected to obtain, had been widely recognised. It was no longer thought realistic either to preclude a man from making a purchase which he himself had not the means to fulfil, or to expect him to arrange his finance in advance. "Purchases without tears," and even "mortgages without tears," had become the order of the day. So there is now condition 9, a let-out condition for the purchaser who needs a mortgage. Such a condition was much in demand before it was put into the seventeenth edition, but the signs are that it has been little used since. Of course vendors do not like it: they could not be expected to like it. However, if little used as a condition, it may nevertheless have achieved the purpose, of causing both vendor and purchaser to think of the mortgagee's place in the scheme of things.

Points arising

Of practical matters which have arisen over the years, examples are:—

(i) The problem of making searches before contract, particularly in relation to sales by auction. This produced condition 13, another condition which, though widely sought after when it was framed, is probably little used as a condition at the present time. Nevertheless, it has to

be thought about, so it too serves the purpose of directing attention to the problem out of which it arose.

(ii) The matter of information to support a maintenance claim. Rather surprisingly this was in demand at the time of the fifteenth edition (see condition 20 thereof), was objected to in some quarters at the time of the sixteenth edition (the relevant condition being omitted on that occasion) and is now restored to its place in condition 20 of the seventeenth.

(iii) The rather special incident of the death of the vendor pending completion, so as to expose his personal representatives to a statutory obligation to redeem land tax. This gave rise to the present condition 14 (4).

Changing techniques of property dealing

Finally, there is all the present-day business of development—flats, maisonettes, horizontal homes, houselets and what you will—commonly disposed of by way of leases at substantial premiums and "ground" rents that are not always very near the ground, either in quantum or in source. This is in effect a modern way of "selling" property and as such it was recognised and provided for by the National Conditions in their latest edition.

* * * * *

So, when all is said and done, there is much that changes, and comes and goes, in the seemingly conservative conveyancing world of vendors and purchasers; and it is not at all unfitting that the background music—the printed conditions of sale for general use—should be adapted from time to time to accommodate itself to the moods, to the needs and to the tribulations of the vendors and the purchasers as they pass by on their several ways. On current form the National Conditions of Sale may be expected to have their twenty-first about 1980.

JOHN MILLS.

THE PASSIVE ACTOR

IT seems that, as a result of ss. 397 to 403 of the Income Tax Act, 1952, there is now no way in which a father can use what was formerly his income to bring up his children, without that income being treated for tax purposes as though it were still his own. This was strikingly illustrated by the Court of Appeal decision in *Crossland* v. *Hawkins*, p. 424, *ante*, where the taxpayer failed in spite of a finding of fact by the General Commissioners which went about as far in his favour as it would be possible to imagine.

Dramatis personae

The facts were that a company with a £100 capital had been formed with the object of exploiting the services of Mr. Jack Hawkins, who entered into an agreement making his services available to the company in return for a salary of £50 per week. A few months later the grandfather of Mr. Hawkins' children settled on them a sum of £100 of his own money, and the trustees of the settlement decided to invest £98 of the funds at their disposal in taking up the whole of the capital of the company, apart from two subscribers' shares. Mr. Hawkins then did some acting with such good effect that in the year in question £25,000 flowed into the coffers of the company.

Having met its modest commitments under the service agreement, the company, of which Mr. Hawkins was a director but not a shareholder, declared a dividend which was paid to the trustees and applied by them for the benefit of the children. The dividend had suffered deduction of tax at source in the usual way, and Mr. Hawkins as guardian of the children applied on their behalf for repayment, a claim which the Inspector promptly rejected on the ground that the income was deemed to be that of Mr. Hawkins himself because he was a "settlor" under s. 397 and the income had been paid for the benefit of his infant children.

When the case came before the General Commissioners a most extraordinary state of affairs emerged. It appeared that the people responsible for the steps taken were the solicitors and accountants, and Mr. Hawkins had not been consulted at all about what was going on. As a result the Commissioners found that there was no such "arrangement" as would, under the definition of "settlement" in s. 403, constitute Mr. Hawkins a settlor for the purposes of s. 397. Armed with this favourable finding of fact, Mr. Hawkins successfully survived an appeal to the Chancery Division, where Danckwerts, J., decided that he was not entitled to disturb the conclusion of the Commissioners in view of their findings, which negatived participation by Mr. Hawkins in the scheme as a whole.

Act III

This was the high-water mark of the taxpayer's success, and in the Court of Appeal the tide ebbed. The court did not consider itself bound by the finding of no "arrangement," which Donovan, L.J., described as at the very least a mixed question of fact and law, and in any event one that could not be regarded as reasonable. It was not necessary for the Revenue to prove that the whole of the "arrangement" was in contemplation at the outset, and here there was sufficient unity about the steps taken to bring them within the definition of a settlement for the purpose of the sections, with the result that Mr. Hawkins must be held to have indirectly provided the funds out of which the dividend was paid.

Pearce, L.J., also made it clear that a man cannot avoid the operation of s. 397 "by merely giving his solicitors *carte blanche* to effect some scheme for the benefit of his family and refusing to concern himself with its precise form." Solicitors should welcome this statement, which will help to protect us from clients anxious for action but reluctant to instruct.

Leave was given to appeal to the House of Lords, but even if the appeal is successful we should not encourage our clients to think that the way lies open to avoidance of s. 397. It is inconceivable that anyone else in similar circumstances would be treated so generously by the Commissioners, because while one man may stumble on the truth those who come after usually reach it by design.

PHILIP LAWTON.

WIRELESS TALK

Lord Birkett will talk on "The Independence of Our Judges" in a current affairs programme in the B.B.C.'s Home Service on Friday, 16th June.

THE VALIDITY OF CONDITIONS ON PLANNING PERMISSIONS—I

MANY thousands or hundreds of thousands of conditions are imposed every year on planning permissions granted by local planning authorities. Any reader may, therefore, well find himself faced one day with having to advise whether such a condition is valid or not. The rules for deciding whether a condition is *ultra vires* or void for uncertainty have been laid down by the courts in *Fawcett Properties, Ltd.* v. *Buckingham County Council*. This came before Roxburgh, J., at first instance [1958] 3 All E.R. 521, and subsequently travelled through the Court of Appeal [1959] Ch. 543, to the House of Lords [1960] 3 W.L.R. 831. It may be helpful to the reader, first, to set out the rules which he should apply in advising, secondly, to see how those rules worked in this particular case and, thirdly, to conclude with some miscellaneous observations.

Rules to determine whether condition is *ultra vires*

For the most part these rules are formulated basically in the words of judgments or opinions delivered in the Court of Appeal or House of Lords and the page references in the appropriate reports referred to above are given. Most of the rules are set out in one form or another in more than one, if not in all, of the judgments and opinions delivered; the particular words used here have been chosen as expressing the rules most shortly and clearly. It may be said at the outset that the task of upsetting a condition is a heavy one.

The following are the rules to be applied in deciding whether an exercise of the local planning authority's discretion to grant permission "subject to such conditions as they think fit" is *ultra vires* or not :—

(1) The case of *Associated Provincial Picture Houses, Ltd.* v. *Wednesbury Borough Council* [1948] 1 K.B. 223, makes it clear that the court will not interfere with the discretion unless it is shown that the authority did not take into account the right considerations, that is, that they disregarded something which they should have taken into account or regarded something which they should not have taken into account (Pearce, L.J., p. 575).

(2) The right considerations are those set out in s. 14 (1) of the Town and Country Planning Act, 1947, and, where no development plan was operative at the date the condition was imposed, in s. 36 of that Act, as elaborated in r. (6), below.

(3) The onus of proving that the authority did not take into account the right considerations rests on the person seeking to upset the condition (Pearce, L.J., p. 575).

(4) That onus may be discharged either by showing from the terms of the condition itself that the authority cannot have taken into account the right considerations or by extrinsic evidence to that effect (Pearce, L.J., p. 575).

(5) In the first alternative in r. (4) it must be shown that no reasonable planning authority, acting within the four corners of their authority, could have decided to impose the condition (Lord Cohen, p. 836) or, in other words, it must be shown that the terms of the condition, upon the face of them, are demonstrably unrelated to the right considerations so that the result is the same as if the authority had never had these considerations really or properly in mind at all. It is not enough to show that the terms of the condition, while capable of subserving these considerations, do so inefficiently (Lord Evershed, M.R., p. 563).

(6) The condition will be shown to be demonstrably unrelated to the right considerations and therefore invalid if it, in the words of Lord Denning in *Pyx Granite Co., Ltd.* v. *Ministry of Housing and Local Government* [1958] 1 Q.B. 554 at p. 572, and in the *Fawcett* case (p. 851), does not "fairly and reasonably relate to the permitted development," or in the words of Roxburgh, J. (p. 527) is not one "fairly and reasonably relating to any local planning considerations," or in the words of Lord Evershed, M.R., is not fairly and reasonably related to "the planning scheme and proposals of the council" (pp. 559 and 560).

(7) It is within the power of the authority to impose a condition related to the class of persons who may use or occupy a building as distinct from a condition related to the use of the building.

Rule to determine whether condition void for uncertainty

The following is the rule to be applied to decide whether a condition is void for uncertainty :—

A planning condition is only void for uncertainty if it can be given no meaning or no sensible or ascertainable meaning and not merely because it is ambiguous or leads to absurd results. It is the daily task of the courts to resolve ambiguities of language and to choose between them; and to construe words so as to avoid absurdities or to put up with them. And this applies to conditions in planning permissions as well as to other documents (Lord Denning, pp. 850 and 851).

The statutory considerations

Before turning to the details of the *Fawcett* case it will be well to have a brief look at s. 14 (1) and s. 36 of the 1947 Act which specify the right considerations. Section 14 (1) provides that—

> ". . . where application is made to the local planning authority for permission to develop land, that authority may grant permission either unconditionally or subject to such conditions as they think fit, or may refuse permission: and in dealing with any such application the local planning authority shall have regard to the provisions of the development plan, so far as material thereto, and to any other material considerations."

Where a development plan has not come into operation the authority must, instead of having regard to the plan, have regard—

> "to any directions which may be given to them by the Minister as to the provisions to be included in such a plan, and subject to any such directions shall have regard to the provisions which in their opinion will be required to be so included for securing the proper planning of the said area."

The facts of the *Fawcett* case

In the *Fawcett* case a planning permission was granted in 1952 to a predecessor in title of the company for the erection of two farm worker's cottages at Chalfont St. Giles subject to a condition in the following terms :—

> "The occupation of the houses shall be limited to persons whose employment or latest employment is or was employment

in agriculture as defined by s. 119 (1) of the Town and Country Planning Act, 1947, or in forestry or in an industry mainly dependent upon agriculture and including also the dependants of such persons as aforesaid."

By art. 5 (2) of the Town and Country Planning General Development Order, 1950, a local planning authority who grant a permission subject to conditions must state their reasons in writing for imposing the conditions. The permission for the two cottages duly gave them as follows :—

"The reasons for imposing the said conditions are because the council would not be prepared to permit the erection of dwelling-houses on this site unconnected with the use of the adjoining land for agriculture or similar purposes."

In 1952 no development plan was in operation in the County of Buckingham, but the county council had prepared in 1950 an outline development plan, which was a draft expressly enunciating "the fundamental matters which must be considered in forming the framework of the statutory plan." The outline plan provided for the Chalfont St. Giles area to be part of the Metropolitan Green Belt to "be preserved against building development so as to form a barrier against the further outward spread of London." It was clearly to this outline plan and to any other material considerations that the county council were required by ss. 36 and 14 (1) of the 1947 Act to have regard in determining the application for planning permission to erect the cottages.

The two cottages were initially occupied by agricultural workers, but later the company, after having acquired them with notice of the condition, which was registered as a local land charge, sought from the courts a declaration that the condition was *ultra vires* the county council, or that it was void for uncertainty, or that the condition was no longer effective having been applicable only to the first occupants.

Criticisms of the *Fawcett* condition

The grounds on which the condition was attacked were summarised by Lord Cohen in the following words :—

"The appellants impugn the validity of the condition on four grounds. They say : (A) That the imposition of a condition restricting the user of premises according to the personal circumstances of the persons using them is *ultra vires* the respondents. (B) That the condition now under consideration is *ultra vires* in that it is so wide that in the result it cannot fairly and reasonably be said to relate to the permitted development or to any policy possible under the Act of 1947. (C) That the condition is void for uncertainty ; and (D) That in any event the condition has been fulfilled and its force is now spent."

The last ground arose from the initial occupation of the cottages by agricultural workers.

Roxburgh, J., at first instance rejected ground (A) but accepted (B). He expressed no opinion on (C) and (D). Neither the Court of Appeal nor any of the Lords of Appeal had any great difficulty in rejecting (A), (B) and (D), and it was on ground (C) that most difficulty arose ; but in the result the Court of Appeal unanimously, and four out of five of the Lords of Appeal (Lord Morton of Henryton dissenting) were of the opinion, though not without hesitation, that the condition was not void for uncertainty (ground (C)).

No more need be said about grounds (A) and (D), but it is interesting to see the basis of attack under (B) and (C). This was mainly that the condition, as distinct from the reason, contained no limitation to the adjoining district and that the phrase "or industry mainly dependent upon agriculture" covered a vague and extremely wide class of enterprise. Thus a cottage could be occupied by an ex-employee of a sheep farm in New South Wales or a retired fur trapper from Canada or the servant of a canning factory in a neighbouring county or by persons engaged in the textile, leather or fur industries, so that a tailor, bootmaker or furrier from London would be eligible. Such occupations could not be legitimately related to the council's green belt policy and the condition should, therefore, be declared *ultra vires*. The attack on the uncertainty issue to some extent overlapped that on the *ultra vires* issue. Did the condition mean that no one was to live in the cottage unless he came within the condition or was it sufficient that the rateable occupier was within the condition so that he could take in lodgers not within it ? What was to happen if the occupier changed his employment from agriculture ? What if a person divided his time equally between agriculture and some other occupation ? What was meant by an industry mainly dependent on agriculture ? Did it mean an industry dependent on the products of agriculture, as jam making, or an industry dependent on agriculture for its customers, as fertiliser manufacturing ? Where does dependence cease ? If a miller depended on agriculture, did a baker also ? What did "mainly" mean ?

The result

In the result it was held that, although, as was admitted by the council, absurd and anomalous situations might arise, it was highly probable that in practice the effect of the condition would be that the cottages would be tenanted by agricultural workers in the neighbourhood and that the condition was, therefore, related to the council's planning policy and *intra vires* the council. As to uncertainty, it was held that the condition was not incapable of sensible meaning and that it was for the courts to construe it in relation to any particular situation which might arise. The fact that much of the wording of the condition, especially that most strenuously criticised, was of statutory origin of long standing, having appeared first in s. 34 (2) of the Housing Act, 1930, and been subsequently re-enacted in s. 115 (2) of the Housing Act, 1936, weighed very strongly in favour of holding that it was not incapable of sensible meaning.

It is of interest in passing to note that both Lord Denning (p. 852) and Lord Jenkins (p. 862) were of opinion that in construing the condition it must be read as limited to local agriculture, or local industry mainly dependent on agriculture, and Lord Keith of Avonholm (p. 845) was disposed to take a similar view.

Construing a permission

In considering problems of this nature it should be borne in mind that in *Crisp from the Fens, Ltd.* v. *Rutland County Council* (1950), 48 L.G.R. 210, it was held in the Court of Appeal that a permission must be looked at as a whole, thereby enabling the reasons quoted for imposing the conditions to be considered for the purpose of construing the conditions, and that the *contra proferentem* rule did not apply. Further, in *Creighton Estates, Ltd.* v. *London County Council* (1958), *The Times*, 20th March, Danckwerts, J., held that, where the terms of a permission were ambiguous, he was entitled in construing it to refer to letters of application, which appear not to have been mentioned in the permission.

A suggested agricultural occupancy condition

Though the condition in the *Fawcett* case has been held to be valid by the highest court in the land, there were a number of expressions of opinion in the Court of Appeal and the House of Lords that its form should not be adopted for the future. The difficulty which faces the draftsman in producing a perfect form of condition to achieve the intended object is

to reconcile brevity and certainty with reasonable liberality. The more restrictive the form of condition the more certain. Thus, had the *Fawcett* condition been limited to a person employed in agriculture on the adjoining land specified by reference to a plan or ordnance enclosure numbers, certainty would have been achieved.

The writer puts forward, though with some trepidation, the following form :—

> The house shall not be occupied except by a person whose employment or, if unemployed or retired from employment, latest employment is or was employment within [miles of the house] [the area shown as green belt in the county development plan as now in operation] in agriculture as defined by s. 119 (1) of the Town and Country Planning Act, 1947, or forestry, including [any persons] [any relatives of such person] residing with him or her, [or, in the event of the death of such first-mentioned person being a married man, by his widow including any [persons] [relatives] residing with her].

Risk of permission being invalid

Any reader who, after full consideration, is about to advise his client that a condition is invalid would do well to bear in mind the expression of opinion by Hodson, L.J. (not concurred in by other members of that court) in the Court of Appeal in the *Pyx Granite* case that it is not possible for the court to mutilate a planning permission by removing one or more conditions ; the permission must stand or fall as a whole. The correctness of this view has not yet had to be decided by a court, so the risk remains. If the development was carried out more than four years previously, no enforcement notice can be served should the permission as a whole fall, but, if within this period, the client may be liable to enforcement proceedings if the permission falls.

(To be concluded) R. N. D. H.

"THE DARK IS LIGHT ENOUGH"

SOME decisions are viewed with suspicion by practitioners despite the praises of text-book writers and academic lawyers, and nothing but time renders them respectable. One such decision is that of *Dann* v. *Hamilton* [1939] 1 K.B. 509.

It will be remembered that in this case the plaintiff sued the personal representatives of a driver for personal injuries that she sustained in an accident caused by the driver's negligence while she was travelling as a passenger in his car. The driver himself was killed. After visits on the evening of the accident to "unidentified public houses in London," the driver quite early on had been "somewhere in the limbo which divides complete sobriety from mild intoxication," and later on had deteriorated into a state of "noisy intoxication." Nevertheless, the plaintiff consented to travel as a passenger in his car. The first part of the journey was to take another friend to a place near to his home, and it would appear from the evidence that this first trip was sufficiently exciting to have deterred most people from continuing the experience further. The plaintiff, however, did continue and the accident occurred. The defendant pleaded that the defence of *volenti non fit injuria* applied. Contributory negligence, for some reason or other, was not pleaded.

Asquith, J., held that the plaintiff was entitled to damages and that the defendant could not rely on *volenti*. The basis of the decision was that, although the plaintiff had been aware that the driver "had materially reduced his capacity for driving safely," she did not "impliedly consent to or absolve the driver from liability for any subsequent negligence on his part whereby she might suffer harm." The learned judge did not say that the defence was never available in cases of negligence, but only that the defence did not apply on the facts before him. He said (at p. 518) : "There may be cases in which the drunkenness of the driver at the material time is so extreme and so glaring that to accept a lift from him is like engaging in an intrinsically and obviously dangerous occupation, intermeddling with an unexploded bomb, or walking on the edge of an unfenced cliff. It is not necessary to decide whether in such a case the maxim *volenti non fit injuria* would apply, for in the present case I find as a fact that the driver's degree of intoxication fell short of this degree."

Suspicions

Strictly *Dann's* case should have no precedent value at all. The decision turned solely on a question of fact. The decision obviously depended on the degree of intoxication of the driver, which must be a variable factor in each different case. Lawyers, however, with their mania for precedents, have treated the case as a legal authority. As a legal authority it can be quite rightly regarded with some suspicion. The attitude of most practitioners towards the case is well illustrated by the settlement reached in *Davies* v. *Jones*, briefly reported in *The Times*, 1st April, 1958. McNair, J., had found for the plaintiff in this case at first instance, apparently agreeing with the decision in *Dann's* case. The defendants appealed. Counsel for the plaintiff viewed *Dann's* case with such suspicion that he advised the plaintiff to accept lower damages than those awarded by McNair, J., in order to prevent the matter going before the critical eyes of the Court of Appeal, and the Court of Appeal was merely asked formally to vary the order for damages.

Across the seas, both in Canada and in South Africa, it has been established by high authority in cases very similar to *Dann's* case that the defence of *volenti* does apply in negligence cases (see *Miller* v. *Decker* (1957), 9 D.L.R. (*2d*) 1, and *Lampert* v. *Hefer* (1955), (2) (S.A.) 507).

Lord Denning, while in the Court of Appeal, in *Slater* v. *Clay Cross Company, Ltd.* [1956] 2 Q.B. 264, approved of Asquith, J.'s decision and said when referring to it (at p. 270) : "In so far as he decided that the doctrine of *volenti* did not apply I think the decision was quite correct."

Undoubtedly the decision in *Dann's* case is correct on the facts before the judge, but the two questions of law which arose in that case were not answered. The first question is whether in such a case the plaintiff can be said to have been contributorily negligent and the second more difficult question is whether the defence of *volenti* can be used in negligence cases.

Contributory negligence

The recent decision of Stable, J., in *Dawrant* v. *Nutt* [1961] 1 W.L.R. 253 ; p. 129, *ante*, has shed some light on the first of these two problems without attempting to answer the second. Although the defendant in *Dann's* case did not

raise the question of the plaintiff's contributory negligence, Asquith, J., later wrote in an article in a legal journal that, in his opinion, contributory negligence could have been successfully pleaded, and most legal writers have agreed with this view.

In *Dawrant's* case the plaintiff was riding as a pillion passenger on her husband's motor cycle combination. She knew, as did her husband, that, although it was dark and after lighting-up time, the motor cycle had no lights working. There was a collision with the defendant's motor car. Stable, J., found first of all that both the plaintiff's husband and the defendant were equally responsible for the accident. It would appear that *volenti* was not raised but the question of the plaintiff's contributory negligence was. The learned judge went on to say ([1961] 1 W.L.R., at p. 255): "I have come to the conclusion here that in relation to the highway, it does not matter whether you are in a motor car or a dog cart, whether you are on a bicycle or whether you are a pedestrian, whether you are a passenger or a driver, you owe the same duty to other users of the highway to take reasonable care of yourself." He then found that the plaintiff had not exercised "reasonable care for her own safety" and said (at p. 256): "I think, having regard to *Dann* v. *Hamilton* and the reason behind it, that the plaintiff did owe a duty and that she was in breach of that duty in knowingly travelling in this unilluminated combination."

Having found that the plaintiff had been contributorily negligent, Stable, J., then had to assess the degree of her negligence. He said that, just because the state of knowledge of the driver and the passenger was the same, that did not mean that they were both equally negligent. Each case depended on its own facts and, although the plaintiff's husband was half to blame for the accident, she was herself, *vis-à-vis* the defendant, only a quarter to blame.

Volenti

Dawrant's case did not say anything regarding the *volenti* question and this still remains as open as before. Despite the Commonwealth decisions to the contrary, it is difficult to see how *volenti* can be a defence to the tort of negligence. As Bowen, L.J., said in the leading case of *Thomas* v. *Quartermaine* (1887), 18 Q.B.D. 685, at pp. 696–7: "The maxim, be it observed, is not '*scienti*' *non fit injuria* but '*volenti*.' It is plain that mere knowledge may not be a conclusive test . . ." Wells, J., pointed out in *Osborne* v. *London and North Western Railway Co.* (1888), 21 Q.B.D. 220, at p. 223, that a defendant could only reply on *volenti* as a defence if he could "obtain a finding of fact that the plaintiff freely and voluntarily, with full knowledge of the nature and extent of the risk he ran, impliedly agreed to incur it." It is clear that, if the defendant has already brought about a dangerous physical condition by his negligence and afterwards the plaintiff, knowing of it, nevertheless takes the risk of it, the defence of *volenti* applies, but how can a plaintiff have full knowledge of the extent of the risk he is to run if there is a possibility of negligence *in futuro*?

It may be very difficult to get a judicial decision on this point because the facts of each case are usually such that the judge can simply say that on the facts *volenti* has not been established and leave unanswered whether it can be raised as a defence where negligence has been alleged. Perhaps the following example, if it ever came before the courts, would make the judge face up to the point of law. *A* is a hiker and *B*, the driver of a car, stops to give him a lift. Before *A* gets into the car *B* says to him, "You travel at your own risk if you come with me," and *A* agrees. An accident subsequently occurs due to *B's* negligence, and *A* is injured and sues *B*. It is clear law that an exclusion clause can be wide enough to exclude liability for negligence (see *White* v. *John Warwick and Co., Ltd.* [1953] 1 W.L.R. 1285), but for such a clause to be relied on there must be a direct contractual relationship between the parties (see Diplock, J., in *Midland Silicones, Ltd.* v. *Scruttons, Ltd.* [1959] 2 Q.B. 171, at p. 493). Here there is no contractual relationship between *A* and *B*, owing to the absence of consideration. All that remains is whether *B* can rely on his statement and the acceptance of it by *A* as *volenti* on the part of *A*. It is submitted that he cannot. Without knowing something of *B's* driving ability or the condition of the car, *A* surely could have no "full knowledge" of the "extent of the risk" he was to run by accepting a lift on those conditions.

It would seem that, as in rescue cases (see *Baker* v. *T. E. Hopkins and Son, Ltd.* [1959] 1 W.L.R. 966, considered in an article at 104 Sol. J. 156), *volenti* is no defence to an action for negligence.

ANTHONY SCRIVENER.

DIOCESAN AUTHORITIES AND PAROCHIAL CHURCH COUNCILS

A memorandum on differences in law and fact in the relationship between a custodian trustee and managing trustees on the one hand, and a diocesan authority and a parochial church council on the other hand, has been issued by the Church Assembly Legal Board (Church Information Office, Church House, Westminster, S.W.1. 4d. net). The memorandum points out that the relationship between the diocesan authority and a parochial church council is wholly governed by the Parochial Church Councils (Powers) Measure, 1956. Under this Measure any interest in land (other than a lease for not more than a year) or any interest in personal property to be held on permanent trusts held or acquired by a parochial church council (but no other property) has to be vested in the diocesan authority, and the council cannot sell, lease, exchange, charge or take any legal proceedings in respect of property so vested without the consent of the diocesan authority. "Thus while it is for the council to decide whether it will, for example, purchase a house for a curate or some particular investment, and to select the house or investment, it may not give effect to its wishes without consent," the memorandum notes.

PREVENTION OF FRAUD (INVESTMENTS) ACT, 1958

The 1961 edition of "Particulars of Dealers in Securities and of Unit Trusts under the Prevention of Fraud (Investments) Act, 1958," containing particulars of persons and firms authorised to carry on the business of dealing in securities as at 31st January, 1961, has been issued by the Board of Trade (H.M. Stationery Office, price 3s. net). It contains the names and addresses of holders of principal's licences, of members of stock exchanges and of associations of dealers in securities which are recognised by the Board, and of exempted dealers. Particulars of unit trusts schemes authorised by the Board are also included.

LAW SOCIETY LUNCHEON

The President of The Law Society, Mr. Denys Hicks, gave a luncheon party on 26th May, at 60 Carey Street, W.C.2. The guests were: The High Commissioner for South Africa, Mr. Justice Stevenson, Sir William Hayter, Sir William Coldstream, Mr. J. D. Trustram Eve, Mr. H. V. Hodson, Mr. A. J. Driver (vice-president, The Law Society), Mr. G. W. R. Morley, and Sir Thomas Lund (secretary, The Law Society).

Property Practice

THE PREMISES OF A DEED—I

HITHERTO in this series what are usually misnamed the *non*-operative parts of a deed have been considered, namely, the commencement (at p. 8), the date (at pp. 53 and 76), the parties (at pp. 200 and 226), and the recitals (at pp. 342, 358 and 377), all of which, as has been shown, are in fact operative at least to some extent. After these naturally comes the so-called operative part, commencing familiarly with the words of the *testatum* ("NOW THIS DEED WITNESSETH . . ."). In registered conveyancing, apart from the heading, the prescribed form of transfer (see Form 19 in the Schedule to the Land Registration Rules, 1925) contains nothing but so-called operative part, except that occasionally recitals may be added.

"Deedmarks"

It may be appropriate to pause here to observe that the traditional formula, such as the words of the *testatum* and other customary phrases, which appear in capital letters in deeds, perform an elementary but useful function apart altogether from any meaning which they may or may not have. This function is to act as landmarks, or rather "deedmarks," by which every conveyancing practitioner knows where one part of a deed begins and another ends. However, the writer suggests that there is an alternative method of "deedmarking" which is more in accord with the streamlining of conveyancing advocated for this latter twentieth century, and also comprehensible to others than conveyancing practitioners, perhaps even to the parties to the deed themselves (which, it may be thought, is of some importance). This alternative method is to break the deed down, as are articles in this Journal, by means of sub-headings stating in modern English usage what the parts of the deed are for. For example, the following sub-headings might appear: "Parties," "History of Title" and "Purpose of Deed" (rather than "Recitals"), "Grant," "Description of Property," "Purchaser's Obligations," and "Certificate of Value for Stamp Duty." These suggested sub-headings may be compared with the "indicative titles" proposed by Mr. L. F. Herbert in the *Law Society's Gazette* (vol. 58, p. 151) for dividing up commercial documents, namely, "Definitions," "Preamble" (which is preferred to "foreword," "preface" or "introduction"), and "Operation." Mr. Herbert, however, confesses that he is not altogether happy about the last two of his indicative titles, and it is possible that he would be even less happy with the sub-headings suggested here. Just the same, difficult though it may be to find generally acceptable sub-headings, nothing would be lost by the attempt and something might be gained.

Unfortunately, having once embarked upon purported rationalisation of the form and content of deeds, it would be difficult to stop the slaughter of dearly-loved though archaic clichés. Revolution is not the object of this article; let us return to the premises.

The office of the premises

Strictly speaking, the premises are all the operative part of a deed coming before the *habendum* ("TO HOLD . . ."), including both the operative words—i.e., the implied covenants for title ("As beneficial owner") and the grant ("HEREBY CONVEYS . . .")—and the parcels ("ALL THAT . . ."). Thus Coke said (Co. Litt. 6a): "The office of the premises of the deed is twofold: first, rightly to name the feoffor and feoffee; and secondly to comprehend the certainty of the lands or tenements to be conveyed by the feoffment." A slightly different explanation, although to a similar effect, was given by Lord Goddard in *Gardiner* v. *Sevenoaks Rural District Council* [1950] 2 All E.R. 84 (concerning the meaning of the word "premises" in s. 1 (1) of the Celluloid and Cinematograph Film Act, 1922). He said (at p. 85):—

> "'Premises' is, no doubt, a word which is capable of many meanings. How it originally became applied to property is, I think, generally known. It was from the habit of conveyancers when they were drawing deeds of conveyance referring to property and speaking of 'parcels'. They set out the parcels in the early part of the deed, and later they would refer to 'the said premises,' meaning strictly that which had gone before, and gradually by common acceptance 'premises' became applied, as it generally is now, to houses, land, shops, or whatever it may be, so that the word has come to mean generally real property of one sort or another."

Be that as it may, the word "premises" is today (and in this article) used in relation to deeds to indicate the part coming immediately before the operative words and after the recitals, and containing, apart from the *testatum*, only the statement of the consideration and the receipt clause, both of which are extremely important and well worth discussion.

Consideration

The first point to notice on consideration is that it is not essential to a deed; a legal estate may be passed and any contract contained in a deed enforced even though the transaction is entirely voluntary: *Pratt* v. *Barker* (1828), 1 Sim. 1. However, this does *not* mean that a gratuitous or voluntary deed can always be accepted without question. In appropriate circumstances, a voluntary deed may suffer from any one of a number of consequences which not infrequently in practice constitute serious defects. By way of illustration the following points may be mentioned.

Three equitable defects

First, the equitable remedy of specific performance, being discretionary, is not available on breach of a voluntary agreement, even though it is contained in a deed: *Jefferys* v. *Jefferys* (1841), Cr. & Ph. 138. Second, an assignment of an expectancy, void at common law, is treated in equity as a contract to assign provided it is made for value, by deed alone being insufficient: *Holroyd* v. *Marshall* (1862), 10 H.L. Cas. 191; *Re Ellenborough; Towry Law* v. *Burne* [1903] 1 Ch. 697. Note that here value does not necessarily mean full value: s. 174 of the Law of Property Act, 1925. Third, it is possible that in the absence of consideration a resulting trust will arise. Since the repeal of the Statute of Uses, 1535 (by s. 207 of and Sched. VII to the Law of Property Act, 1925), a legal estate in land can be conveyed by a voluntary conveyance without a statement that the land is both conveyed "unto and to the use of" the grantee, i.e., no resulting *use* of the legal estate in favour of the grantor can now be implied and immediately executed by operation of law. Whether or not a resulting *trust* in equity for the grantor would have been implied by a voluntary grant before 1926 was, oddly enough, never settled and there was much conflict

of opinion. However, s. 60 (3) of the Law of Property Act, 1925, now provides:—

> "In a voluntary conveyance a resulting trust for the grantor shall not be implied merely by reason that the property is not expressed to be conveyed for the use or benefit of the grantee."

Therefore, prima facie, a voluntary grant "to *AB*" *simpliciter* will not imply a resulting trust. However, note that the subsection contains the words "merely by reason that"—a resulting trust may be implied in a voluntary grant because of other circumstances. Further, it appears that if the subject-matter of a voluntary grant is pure personalty, there will be a presumption that a resulting trust is intended (*Re Vinogradoff*; *Allen* v. *Jackson* [1935] W.N. 68), although this may be rebutted, e.g., by a presumption of advancement.

(To be continued) P. P.

Landlord and Tenant Notebook

"A PROSTITUTE RENT"

THE circumstances in which a landlord may be found to be guilty of knowingly living wholly or partly on the earnings of prostitution, the earnings being those of his tenant, were examined in *R.* v. *Silver* [1956] 1 W.L.R. 281, and in *R.* v. *Thomas* [1957] 1 W.L.R. 747, and have now been considered by Viscount Simonds in *Shaw* v. *Director of Public Prosecutions* [1961] 2 W.L.R. 897; p. 421, *ante* (H.L.). The authority of the first of these cases was short-lived, but some suggestion that the view taken in the second case may require qualification is implicit in the observations made by Viscount Simonds, and also in some made by Lord Reid, in the recent proceedings.

Whose earnings?

In *R.* v. *Thomas* eight men, who were landlords of flats and their letting agents, were tried at the Central Criminal Court on an indictment charging them with living wholly or in part on the earnings of prostitutes occupying those flats, and the judgment of Judge Maude ruling that there was no case to answer makes it clear that the prosecution relied on an allegation that the rents payable were high. "On the one hand, the doctor gives his services, and, on the other, in the case of the shopkeepers, they give their goods in exchange for money; they, in fact, are earning their living. They are not, therefore, living in part on the earnings of prostitution at all. But it is said now . . . that where a landlord lets his premises for the purpose of prostitution and gets what I propose to call a prostitute rent, a wholly different situation arises: viz., since the ordinary moral rent is less than the prostitute rent, then to the extent of the excess of the prostitute rent over the moral rent he is living on the earnings of prostitution. I do not think he is. I think that what the landlord is doing is living on his own earnings, just like the shopkeeper."

"A coadjutor"

The above did not commend itself to Pilcher, J., when trying *R.* v. *Thomas*, in which the accused was alleged to have arranged with a prostitute that she should have the use of a room between certain hours of the night, she paying £3 a night. "It seems to me that if there is evidence that the accused has let a room, or a flat, at a grossly inflated rent to a prostitute for the express purpose of allowing her to ply her immoral trade, then it is for the jury to determine on the facts of each particular case whether the accused is in fact knowingly living wholly or in part on the earnings of prostitution. I take the view that anyone who acts in that fashion is acting as it were as a coadjutor of the prostitute, and is in quite a different position from the shopkeeper, a doctor or anyone else who performs services or sells goods in the ordinary way to a prostitute . . ."

R. v. *Thomas* was, therefore, "not followed"; but the unsatisfactory state of affairs did not last long, for the accused, having been convicted and sentenced, sought leave to appeal, and his application was turned down by the Court of Criminal Appeal. Stable, J., delivered the judgment; a very short one, agreeing with the reasoning of Pilcher, J. "It was a perfectly plain case and there is no question about it that the applicant was living on immoral earnings."

Test suggested

One of the counts in *Shaw* v. *Director of Public Prosecutions*—popularly known as the "Ladies' Directory Case"—was the knowingly living on the earnings of prostitution, the accused having published a magazine containing the names and addresses of prostitutes who paid him for so doing. References were made to the two decisions mentioned above, and the "coadjutor" reasoning met with Lord Simonds' approval: "Thus, a man who advertises prostitutes and receives payment from them for so doing embarks with them on a joint venture, the object of which is that they may earn money by prostitution and in turn pay him for his services. No doubt, all that he is paid is not profit, for he has the expenses of publishing. But his net reward is the direct and intended result of their prostitution."

In this passage Lord Simonds was applying a test which he had suggested earlier in his speech: "A person may fairly be said to be living in whole or in part on the earnings of prostitution if he is paid by prostitutes for goods and services supplied by him to them for the purpose of their prostitution which he would not supply but for the fact that they were prostitutes." I will comment on the concluding words of this passage later, but will first mention some possible distinctions drawn by Lord Simonds and by Lord Reid.

"For occupation"

It will have been noticed that there were certain differences between the facts of *R.* v. *Silver* and those of *R.* v. *Thomas*; in the one case, flats were let and in the other the use of a room was licensed, but Pilcher, J.'s judgment ran: ". . . if there is evidence that the accused has let a room, or a flat, at a grossly inflated rent." Lord Simonds considered that a distinction should be drawn between rooms and a flat; at first sight, the criticism seems puzzling, but it is clear that his lordship had the difference to which I have referred in mind, and may perhaps have overlooked the fact that many people reside in so-called "bed-sitters." For the speech continued with: ". . . this direction attaches undue

importance to the rent being 'grossly inflated' or, as is sometimes said, 'exorbitant.' It appears to me that, whatever the rent, the jury might have concluded that the accommodation was provided for no other purpose than prostitution, and would not have been provided for her unless she was a prostitute. The exorbitance of the rent would, in my opinion, become important only if there had been evidence that this sort of accommodation was a necessary or a luxury commonly required by other women for other purposes than prostitution, a thing which is not easily imaginable . . . If premises are let only for the purpose of prostitution and not *also for occupation* by the prostitute, as was the room in *R.* v. *Thomas*, it is easy to conclude that an offence has been committed. But, if the flat is let for occupation, I am not prepared to say that the landlord commits an offence merely because he knows that his tenant is a prostitute and must be assumed to know that she will there ply her trade . . . Therefore, in such a case as *R.* v. *Silver* (where the flats appear to have been let for occupation) the landlord can only be convicted of an offence on the ground that the rent is exorbitant."

Lord Reid visualised complications: a landlord might let a flat to an apparently respectable woman, and discover later that she was carrying on prostitution: would he thereafter be knowingly living on the earnings of prostitution? Again, is a landlord not guilty if a prostitute lived in one flat and carried on her trade in another (I think the suggestion is that the other flat should be held of a different landlord) but guilty if she lived and carried on her trade in the same flat? And what if a prostitute residing and earning money by prostitution in the same flat were to go and live elsewhere but continue to use the flat for prostitution? There was nothing in the Sexual Offences Act, 1956, to help, but "I am far from saying that a landlord can never be guilty of living on the immoral earnings of his tenant. To my mind, the most obvious case is where he takes advantage of her difficulty in getting accommodation to extract from her *in the guise of rent* sums beyond any commercial rent . . . he is making her engage in a joint adventure with him which will bring to him a part of her immoral earnings over and above rent."

"Would not supply"

In these speeches, Viscount Simonds and Lord Reid did not purport to do more than comment on the other decisions, but I suggest that they contain valuable guidance, the more valuable if read together. For Lord Reid's observations invite the thought that Lord Simonds' "services supplied . . . for the purpose of their prostitution which he would not supply but for the fact that they are prostitutes" must be read as ". . . which he would not be supplying." A landlord who obtains a higher than normal or than moral rent from a prostitute would have no objection to receiving the same sum from a respectable tenant: hence the importance, referred to later, of the "prostitute rent" element.

R. B.

HERE AND THERE

DISROBING IN FRANCE

THERE is a report of a most extraordinary proposal said to have emanated from the Minister of Justice in France. It seems that in the name of modernisation he wishes counsel in future to plead without robes. This is one of those ideas which, on the face of it, must powerfully appeal to every plain, practical, sensible, up-to-date man, but, on closer examination, could scarcely be more fatuous, unless its actual object were to maim and diminish the Bar. Certainly, the notion has been met with marked disfavour by those principally concerned, the lawyers themselves. The arguments in favour of disrobing the barristers are, of course, obvious enough. What earthly difference, it is said, can it make to the validity of counsel's reasoning or submissions whether or not he covers his body with a long black garment? With alacrity one replies that it makes no difference at all—so far as that goes. Counsel's arguments would be just as valid (or invalid) if he were to stand up in court as naked as Truth emerging from the well. And perhaps the best counter-demonstration which the French Bar could make would be to appear in court thus in the most primitive and simplified version of the garb of old Gaul. It would then, of course, be explained to them that certain conventions and considerations required them to present themselves otherwise. They would at once agree and the way would then be open for a rational discussion of the considerations which underly the practice of wearing special costumes for special occasions and a more minute examination of the whole matter.

PRACTICAL POINTS

DOES the Minister of Justice, for example, intend to disrobe the judges as well as the barristers? Does he intend that the universal "plain clothes" counsel should be matched by the universal plain clothes policeman? And, if not, why not? That is not a mere rhetorical question. Are the scarlet-robed judges to vanish from the assize courts? Will the prosecutor, the *Avocat Général*, who ranks and takes his place in court as one of *la magistrature*, retain the advantage of his authoritative robes while the Bar below are stripped of theirs? More significant still, is the overwhelming bodyguard of policemen in review order with white belts and brilliant kepis to be replaced by sinister squads of plain clothes detectives in belted raincoats and slouch hats? That is not, I imagine, very probable and for a clear practical reason, quite apart from any prejudice in favour of a pleasing scheme of decoration. It is very useful for a postman to look like a postman, a ticket inspector like a ticket inspector, and in the proceedings in courts of justice, more than on most other occasions, it is highly desirable to be able to tell who is who at a glance, to be able to tell the judge from the usher and the attendant policemen from the barristers, for (let us face it) one man looks very like another and many a judge without his robes shrinks to the stature of a common litigant. There was once a newly appointed London stipendiary magistrate who, on arriving at his court for the first time, inquired his way about the building of the policeman at the door and was directed to the cells. We know in England how robes, well recognised traditional robes, have a psychological effect of being able to suggest and impose authority without even a show of force, of visibly invoking the sanction of society and the weight of history which distinguish that lawful authority from mere brute strength. Robes are (if one may borrow a theological expression) the outward sign of inward grace. They are a form, it is true, but never despise the form; it safeguards the content. The champagne bottle has a form. Try breaking the bottles and pouring all the stuff into a bucket and then

wonder what has happened to its character and quality as wine.

EQUALITY

THERE is another very practical reason for retaining the robes of the advocates, a reason which should appeal to citizens of the land of equality and fraternity. Robes are great levellers. They place on a brotherly equality the old advocate and the young, the fashionable leader and the poor beginner. The young, the inexperienced, the far from successful have quite enough to contend with in a purely professional sense without being put down and out of countenance by the supercilious superiority of a Savile Row suit worn with conscious *éclat* by an eminent opponent. Robes cancel all purely irrelevant distinctions between advocate and advocate. Robes mark the function of the advocate and the modern conception, I had always thought, was rather favourable to the emphasis of the functional. Of course, if the objection is simply that the design of the robes is archaic in the same sense that the structure of many courts of justice is archaic, there is a simple and ready remedy for that: get Le Corbusier to design new Law Courts and Picasso to design new robes and everything will be as up to date as you please—anyhow for a few years.

RICHARD ROE.

IN WESTMINSTER AND WHITEHALL

HOUSE OF LORDS

PROGRESS OF BILLS

Read Second Time:—

British Transport Commission Bill [H.C.] [31st May.
Department of Technical Co-operation Bill [H.C.] [1st June.
London County Council (Money) Bill [H.C.] [31st May.
Rating and Valuation Bill [H.C.] [31st May.

Read Third Time:—

Bristol Corporation Bill [H.L.] [1st June.
Shakespeare Birthplace, Etc., Trust Bill [H.L.] [1st June.

In Committee:—

Carriage by Air Bill [H.C.] [1st June.
Hyde Park (Underground Parking) Bill [H.C.] [1st June.

HOUSE OF COMMONS

A. PROGRESS OF BILLS

Read Second Time:—

City of London (Various Powers) Bill [H.L.] [31st May.
Pier and Harbour Provisional Order (Exmouth) Bill [H.C.] [31st May.
Police Pensions Bill [H.L.] [2nd June.
Teesside Railless Traction Board (Additional Route) Provisional Order Bill [H.C.] [31st May.

Read Third Time:—

Land Drainage Bill [H.C.] [2nd June.
Patents and Designs (Renewals, Extensions and Fees) Bill [H.L.] [2nd June.

In Committee:—

North Atlantic Shipping Bill [H.C.] [30th May.

B. QUESTIONS

JUVENILES (CRIMES OF VIOLENCE)

In reply to a request for the figures of crimes of violence against the person committed by juveniles during 1960 in the same form as set out in app. C of the Barry Report on Corporal Punishment, the Rt. Hon. DENNIS VOSPER said that, in 1960, 1,540 boys and forty-three girls under the age of seventeen were found guilty of offences of the kinds included in app. C. [1st June.

PARKING OFFENCES, LONDON

Mr. DAVID RENTON said that in the areas of London in which the fixed penalty system had been introduced, 35,827 fixed penalty tickets had been issued between 19th September, 1960, and 16th April, 1961. Of these cases, 1,231 were awaiting hearing before magistrates' courts, 886 were awaiting application for summons, and in 4,029 the police were pursuing inquiries. In the remainder, the fixed penalty had been paid, or the case had been dealt with by a court or the Commissioner of Police had decided to take no further action. [1st June.

TRAFFIC WARDENS (RESIGNATIONS)

Mr. DAVID RENTON said that of the 149 traffic wardens who had been appointed by the Commissioner of Police of the Metropolis since July, 1960, thirty-eight had resigned. One of these had since rejoined. [1st June.

INCOME TAX ACT, 1952 (SECTION 66)

Sir EDWARD BOYLE said that he was satisfied that the existing law concerning s. 66 of the Income Tax Act, 1952, was satisfactory. That section provided that a person who had paid tax charged under an income tax assessment, under Sched. D or Sched. E, might claim relief if he showed that the assessment was excessive by reason of some error or mistake in the return or statement made by him for the purposes of the assessment. No relief was due, however, if the return or statement was made on the basis or in accordance with the practice generally prevailing at the time when it was made. A dispute between the Revenue and the taxpayer on a s. 66 claim fell to be determined on appeal by the Special Commissioners, whose decision, except on a point of law arising in connection with the computation of profits or income, was final. In the case to which his attention had been drawn, the appellate Special Commissioners decided, in favour of the Revenue, that the taxpayer's return had been in accordance with prevailing practice; but they went on to say, in effect, that, apart from this, the taxpayer could not invoke s. 66 because the assessment was an estimated assessment made in advance of a return or accounts, despite the fact that the assessment had been adjusted in accordance with accounts subsequently submitted. This second limb of the decision did not accord with the practice of the Board of Inland Revenue, and the Board was now advised that, where a return or accounts submitted after the making of an estimated assessment had been accepted for the purpose of arriving at the final assessment under which the tax had been charged, the fact that the assessment was made in advance of the rendering of the return or accounts did not of itself rule out a claim under s. 66 which would otherwise have been admissible. The Board would continue to adopt this general line in considering claims under the section, and would make its view clear to the appellate Commissioners if the point was raised on an appeal before them. [2nd June.

STATUTORY INSTRUMENTS

Bridgewater Canals Rules (Revocation) Order, 1961. (S.I. 1961 No. 1002.) 4d.

Caravan Sites (Exemption from Licensing) (Scotland) Order, 1961. (S.I. 1961 No. 976 (S. 62).) 5d.

Charities (Exception of Religious Charities from Registration) Regulations, 1961. (S.I. 1961 No. 986.) 4d.

Charities (Registration) (Commencement No. 1) Order, 1961. (S.I. 1961 No. 987 (C. 7).) 4d.

Civil Aviation (Coventry Local Act) Order, 1961. (S.I. 1961 No. 992.) 4d.

Copyright (Foreign Television Broadcasts) Order, 1961. (S.I. 1961 No. 993.) 5d.

Double Taxation Relief (Taxes on Income) (U.S.A.) (No. 3) Regulations, 1961. (S.I. 1961 No. 985.) 5d.

European Free Trade Association (Finland) Order, 1961. (S.I. 1961 No. 994.) 4d.

Exchange Control (Authorised Dealers and Depositaries) (Amendment) (No. 2) Order, 1961. (S.I. 1961 No. 928.) 4d.

House of Commons Members' Fund Order, 1961. (S.I. 1961 No. 988.) 4d.

Import Duties (General) (No. 6) Order, 1961. (S.I. 1961 No. 959.) 5d.

Import Duties (Process) (No. 1) Order, 1961. (S.I. 1961 No. 960.) 5d.

Import Duties (Temporary Exemptions) (No. 4) Order, 1961. (S.I. 1961 No. 961.) 5d.

Irish Land (Finance) (Amendment) Rules, 1961. (S.I. 1961 No. 1012.) 5d.

Kuwait (Repealing) Order, 1961. (S.I. 1961 No. 1001.) 5d.

London Traffic (Prescribed Routes) (Hornsey) Regulations, 1961. (S.I. 1961 No. 956.) 4d.

Merchant Shipping (Safety Convention) (Republic of Uruguay) Order, 1961. (S.I. 1961 No. 1003.) 4d.

National Health Service (Qualifications for Supplementary Ophthalmic Services) (Scotland) Amendment Regulations, 1961. (S.I. 1961 No. 973 (S. 60).) 5d.

Northern Cameroons (Administration) (Amendment) Order in Council, 1961. (S.I. 1961 No. 998.) 5d.

Northern Rhodesia Order in Council, 1961. (S.I. 1961 No. 996.) 5d.

Northern Rhodesia (Native Trust Land) (Amendment) (No. 2) Order in Council, 1961. (S.I. 1961 No. 955.) 5d.

Nyasaland Protectorate (African Trust Land) (Amendment) Order in Council, 1961. (S.I. 1961 No. 999.) 4d.

Oil in Navigable Waters (Convention Countries) (Poland) Order, 1961. (S.I. 1961 No. 1008.) 4d.

Ploughing Grants Scheme, 1961. (S.I. 1961 No. 965.) 5d.

Ploughing Grants (Scotland) Scheme, 1961. (S.I. 1961 No. 966 (S. 59).) 5d.

Resolution of the House of Commons dated 17th May, 1961. (S.I. 1961 No. 958.) 5d.

Rickmansworth and Uxbridge Valley Water (Chalfont St. Giles Pumping Station) Order, 1961. (S.I. 1961 No. 964.) 5d.

Road Vehicles (Index Marks) (Amendment) Regulations, 1961. (S.I. 1961 No. 962.) 5d.

Slaughter of Animals (Prevention of Cruelty) Regulations (Appointed Day—No. 2) Order, 1961. (S.I. 1961 No. 1020.) 5d.

Slaughterhouses (Hygiene) Regulations (Appointed Day—No. 2) Order, 1961. (S.I. 1961 No. 1019.) 5d.

Southern Cameroons (Constitution) (Amendment) Order in Council, 1961. (S.I. 1961 No. 997.) 5d.

Stopping up of Highways Orders, 1961:—

County of Berks (No. 4). (S.I. 1961 No. 978.) 5d.
County of Essex (No. 9). (S.I. 1961 No. 980.) 4d.
County of Essex (No. 10). (S.I. 1961 No. 969.) 5d.
County of Gloucester (No. 4). (S.I. 1961 No. 963.) 5d.
County of Hertford (No. 5). (S.I. 1961 No. 970.) 5d.
County of Lancaster (No. 16). (S.I. 1961 No. 971.) 5d.
County of Westmorland (No. 1). (S.I. 1961 No. 972.) 5d.
London (No. 16). (S.I. 1961 No. 979.) 5d.
London (No. 17). (S.I. 1961 No. 977.) 5d.
London (No. 20). (S.I. 1961 No. 981.) 5d.

Wages Regulation (Retail Bread and Flour Confectionery) (Scotland) Order, 1961. (S.I. 1961 No. 974.) 8d.

Wages Regulation (Retail Furnishing and Allied Trades) Order, 1961. (S.I. 1961 No. 1007.) 1s. 2d.

SELECTED APPOINTED DAYS

June	
1st	Adoption Agencies Regulations, 1961. (S.I. 1961 No. 900.)
	Betting and Gaming Act, 1960, s. 3.
	Betting (Bookmakers' Agents) Regulations, 1960. (S.I. 1960 No. 2333.)
	Opticians Act, 1958, ss. 3 (3), 6, 20 to 24.
	Public Bodies (Admission to Meetings) Act, 1960.
2nd	Wages Regulation (Rubber Proofed Garment) Order, 1961. (S.I. 1961 No. 955.)
5th	Wages Regulation (Retail Bookselling and Stationery) Order, 1961. (S.I. 1961 No. 903.)
	Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (England and Wales) Order, 1961. (S.I. 1961 No. 921.)
12th	Wages Regulation (Retail Bread and Flour Confectionery) (England and Wales) Order, 1961. (S.I. 1961 No. 942.)
	Wages Regulation (Retail Food) (England and Wales) Order, 1961. (S.I. 1961 No. 922.)

"THE SOLICITORS' JOURNAL," 8th JUNE, 1861

On 8th June, 1861, The Solicitors' Journal published the questions for the Trinity Term examination. The following are a selection: *Common and Statute Law and Practice of the Courts:* On non-payment of a bill of exchange by the acceptor, to whom, and how soon, should notice of the dishonour be given by an indorsee, in order to preserve the liability of any, and what other person or persons? Is there any, and, if any, what mode in which a creditor for goods sold and delivered can make his debt carry interest? What is the meaning of a set-off? And mention instances in which debts or demands may not be set-off against each other. Against whom should an action be brought for a debt contracted by a married woman before her marriage, and would the husband be under any liability for such debt in the event of the death of the married woman before any action is brought? Within what respective periods must actions on specialties and simple contracts be brought to avoid being barred by Statutes of Limitation? What is the meaning and effect of demurring to an adversary's pleading? *Conveyancing:* To whom, in the absence of any special custom to the contrary, do the timber and minerals upon and under the waste land of manors belong, and to whom do the timber and minerals under copyhold land belong? Where money is settled upon trust to be invested in real estate, and to which *A* (a married woman) is entitled for life and *B* (a tenant in tail) is entitled in remainder, in what way should a transfer of their interests in the money be effected? *A* by will devises an estate to *B* and afterwards contracts to sell the estate to *C* and dies before conveyance, who is entitled to the purchase money? And state the authority. When will trust estates pass under a general devise, and when will they not? In what way must a gift of land to a charity be carried out to be effectual, and what description of property can be disposed of to charitable uses by will?

Honours and Appointments

Mr. Stanley William Ralph Christmas, deputy town clerk of Mansfield, has been appointed town clerk as from next September in succession to Mr. Athelstan Cumming Shepherd, who will be retiring after thirty years in the post.

REVIEWS

Stone's Justices' Manual, 1961. Ninety-third Edition. Edited by JAMES WHITESIDE, O.B.E., Solicitor, and J. P. WILSON, Solicitor. pp. ccclxiv, 3193 and (Index) 242. 1961. London: Butterworth & Co. (Publishers), Ltd.; Shaw & Sons, Ltd. Two Volumes. Thick Edition: £5 2s. 6d. net. Thin Edition: £5 7s. 6d. net.

In their preface reviewing the law of 1960 affecting the work of magistrates' courts the editors say that new statute law has made this the most significant edition of Stone for many years. The Betting and Gaming Act, 1960, has created a new jurisdiction in relation to the grant by justices of bookmakers' permits, betting agency permits and betting office licences. Consolidating statutes include the Matrimonial Proceedings (Magistrates' Courts) Act, 1960, the Road Traffic Act, 1960, and the Distress for Rates Act, 1960. From a host of other new statutes noted in the work one picks at random the Adoption Act, 1960, the Abandonment of Animals Act, 1960, the Building Societies Act, 1960, the Game Laws (Amendment) Act, 1960, the Payment of Wages Act, 1960, the Pawnbrokers Act, 1960, the Caravan Sites and Control of Development Act, 1960, the Charities Act, 1960, and the Noise Abatement Act, 1960.

The titles Husband and Wife and Property, Offences against, have been rearranged, and the clarity of the table of statutes has been improved by the printing of the calendar year in bold type in the middle of each column whenever a new year starts.

This is Your Child. The Story of the National Society for the Prevention of Cruelty to Children. By ANNE ALLEN and ARTHUR MORTON. pp. x and (with Index) 198. 1961. London: Routledge & Kegan Paul, Ltd. £1 5s. net.

" Those who find themselves unable to contemplate tragic and often sordid facts " are advised by the authors not to read this book. And indeed even a generation bruised almost into insensibility by the impact of Buchenwald and Hiroshima may find unbearable the contemplation of human misery revealed by both the text and the illustrations in this study of the National Society for the Prevention of Cruelty to Children. The history of the society, the work it has done, and the work which it still has to do, light up the most revolting skeleton in our national cupboard. In a time of great prosperity when the State peers, probes, regulates and assists in so many branches of life, it is left to a charitable society to seek out the suffering children in our midst, to help them from its own funds, and where necessary to prosecute the adults who cause their misery.

It should not be thought that this book is in any way an appeal, either for interest or for funds, on behalf of the N.S.P.C.C.: it is a straightforward account of the history and work of the society, dramatic enough in all conscience, but entirely devoid of special pleading or any attempt to play on the emotions. Some facts emerge which shake complacency. It is clear, for instance, that the industrial revolution, which brought many burdens as well as benefits to the western world, bore most heavily on the children —in 1876, eight years before the society was founded by a Congregational minister, the Rev. Benjamin Waugh, there were estimated to be at least 30,000 homeless and destitute children in London alone. In the improved conditions of today, with the wide provisions of the Children Act, 1948, much suffering goes unremedied because too many people are prepared to pass by on the other side. In one case described here a child's terrible ill-treatment only came to light because a neighbour had a nervous breakdown brought on by observing the child's sufferings for so long!

But the call for heavier penalties on those convicted of ill-treatment and neglect of children is no real answer. The authors, while not pretending to speak for the society, clearly express its conclusions when they say that the " guilty " adults are generally not responsible for their acts, the cause for their callousness lying in their own childhood experiences. The remedy then is to seek out, prevent and ameliorate the sufferings of the present generation without troubling too much about the punishment of adults whose minds are probably warped beyond repair. Although this is a tragic book in many ways, showing as it does an aspect of human nature of which the full flowering can now be seen in the dock at Jerusalem, it carries a message of hope. As a nation we have not turned our back on human suffering—although the flourishing state of the R.S.P.C.A. many years before the N.S.P.C.C. was founded might indicate a greater care for animals than children—and the society which voluntarily bears the burden of our neglected youth is efficient, enlightened and dedicated. For those whose consciences are stirred but not fully awakened by the running sore of cruelty to children, this book offers a challenge which should not be ignored. Quite apart from this, lawyers who have to deal with cases involving children should make themselves familiar with the working of the N.S.P.C.C. and should know the extent of the help available from the society.

County Court Notebook. Ninth Edition. By ERSKINE POLLOCK, LL.B., Solicitor (Honours). pp. 28. 1961. London: The Solicitors' Law Stationery Society, Ltd. 3s. net.

As the author says in his preface, the ninth edition of this handy little book has become necessary by reason of the general increase of county court fees and the Amendment Rules, 1960. Following closely the layout of its predecessors, it contains a surprising amount of information in condensed form, and will undoubtedly be a great help to practitioners in the county courts.

The Crusade against Capital Punishment in Great Britain. By ELIZABETH ORMAN TUTTLE. Published under the auspices of the Institute for the Study and Treatment of Delinquency. pp. xii and (with Index) 177. 1961. London: Stevens and Sons, Ltd. Chicago: Quadrangle Books, Inc. £1 10s. net.

This is the story of the movement for the abolition of the death penalty, and it is well told. Like many other movements, it cuts across national frontiers, religious barriers, party lines and the latter half of modern history. Indeed, one might point to the sparing of Cain as an example of reform versus (capital) punishment, and shortly after the destruction of the Temple a famous rabbi declared: " Had we been in the Sanhedrin, no man would have ever been sentenced to death." However, the modern inspirer of the movement was Cesare Beccaria, whose " Essay on Crimes and Punishment " appeared two centuries ago. In his footsteps followed Jeremy Bentham and Sir Samuel Romilly. As a matter of fact, in their days juries violated their oaths to save petty thieves from the gallows. Quickly the scope of executions narrowed, from the abolition of the death penalty for pickpockets in 1806 to the beginning of Queen Victoria's reign, when it applied only to murder and treason—no one has ever been executed for piracy with violence or arson in the royal dockyards. Efforts to abolish capital punishment at the end of the first half of last century failed, but half the members of the Royal Commission of 1864 were in favour of its abolition. Thereafter the movement languished until the beginning of this century. The Children Act of 1908 prohibited capital punishment for any person under sixteen years of age, and half a century later the Homicide Act, 1957, received the Royal Assent. This compromise measure shows how hopelessly divided the country is on this issue; while the fact that it took no less than fifty-eight years for the Royal Commission's recommendation on infanticide to reach the statute book shows how slowly legislation follows upon enlightened opinion. So far, so good; but unfortunately, in an appendix on the working of the Homicide Act, the mistake is perpetuated that—by upholding the direction of the trial judge in *Smith's* case—the House of Lords laid down an objective criterion of responsibility. Again, some confusion is shown as to the relation of provocation to diminished responsibility.

Official Architecture and Planning Year Book, 1961. Edited by ROBERT MCKOWN. pp. (with Index) 207. 1961. London: Anstey Press, Ltd. 15s. net.

This work of reference gives at a glance the names, addresses and telephone numbers of executive officers responsible for architectural and town planning matters in Government departments, local authorities, statutory undertakings and many large private firms. Particulars are also given of a large number of organisations, professional, official, semi-official and non-official, of interest to architects and planners, including a brief account of their functions or aims.

NOTES OF CASES

*These notes are published by arrangement with the Council of Law Reporting. Except in respect of those marked *, full reports of the judgments, revised by the judges, will shortly appear in the Weekly Law Reports. A list of cases reported in today's issue of "W.L.R." is set out at the end of these notes.*

Case Editor: J. D. PENNINGTON, Esq., Barrister-at-Law

Court of Appeal

BREACH OF BUILDING REGULATIONS: PLAINTIFF'S CONTRIBUTORY NEGLIGENCE: WHETHER COEXTENSIVE WITH BREACH

Boden *v.* Moore

Holroyd Pearce, Willmer and Davies, L.JJ. 31st May, 1961

Appeal from Lloyd-Jacob, J.

The plaintiff, an experienced painter, was injured when, in the course of his employment by the defendant's firm of painters and decorators, he fell from a ladder which moved. The plaintiff knew how to place a ladder and could have got someone to foot it. The defendant's firm was not in the habit of giving instructions that ladders should be fixed or footed but relied in these matters on their employees. Lloyd-Jacob, J., held that there had been no breach by the defendant of the employer's common-law duty of care but that there had been a breach of reg. 29 (4) of the Building (Safety, Health and Welfare) Regulations, 1948, regarding the fixing of the ladder for which the plaintiff, by his contributory negligence, had been equally to blame with the defendant, and he awarded damages of £430, half of the total damage sustained. On appeal, it was contended for the defendant that as the breach of the regulation had been solely caused by the plaintiff's own act in the placing of the ladder, which act had been coextensive with the breach, the judge was in error in holding the defendant liable in damages.

HOLROYD PEARCE, L.J., said that once the plaintiff had established a breach of the regulations by the defendant, the onus was upon the defendant to prove that it was due solely to the plaintiff's fault which was coextensive with the breach. The case was not within the principle of *Manwaring* v. *Billington* [1952] 2 T.L.R. 689. The regulations were intended as a protection for the workmen. In the present case, no care had been taken by the defendant to secure compliance with reg. 29 (4) and no defence would have been available under s. 137 (1) of the Factories Act, 1937. His lordship would dismiss the appeal.

WILLMER, L.J., concurring, said that there was a duty on employers to give instructions to their men that ladders were to be fixed or footed, and the breach of the regulations was at least in part due to the defendant's fault.

DAVIES, L.J., delivered a concurring judgment. Appeal dismissed.

APPEARANCES: *Marven Everett*, Q.C., and *G. W. Humphries* (*Barlow, Lyde and Gilbert* for *James Chapman & Co.*, Manchester); *F. W. Beney*, Q.C., and *B. A. Hynter* (*T. D. Jones & Co.*, for *Riley, Sutcliffe & Co.*, Blackburn).

[Reported by A. H. BRAY, Esq., Barrister-at-Law]

SHIPPING: CONGESTION OF TRAFFIC: WHETHER "OBSTRUCTION"

N.V. Reederij "Amsterdam" *v.* President of India

Ormerod, Upjohn and Davies, L.JJ. 2nd June, 1961

Appeal from Pearson, J.

A Dutch ship was chartered by shipowners, a Dutch company, to the President of India to proceed to the United States to load a cargo of wheat to be discharged at a port on the coast of India to be named by the charterer. The charterparty, a fixed time charterparty, required loading to be completed within five days after notice of readiness had been given and contained an exceptions clause providing "if cargo cannot be loaded by reason of riots, strikes . . . or by reason of obstructions or stoppages beyond the control of the charterer . . . time for loading does not count." Owing to congestion of ships the vessel was unable to find a berth on arrival at New Orleans and had to wait some time before one could be made available. It was not normal or usual for no berth to be available in the port of New Orleans when a ship arrived. As a result of the delay caused by waiting for a berth, loading was not completed within the five days and the owners claimed demurrage from the charterer. The umpire upheld the owners' claim and awarded them £2,186 demurrage. On appeal, Pearson, J., reversed the umpire's award and held that the charterer was protected by the exceptions clause. The owners appealed.

ORMEROD, L.J., said that the whole appeal depended on the true meaning of the word "obstructions" as used in the exceptions clause. The contention for the owners was that mere congestion of traffic in a port did not constitute an "obstruction" but that there must be a blockage caused by the breakdown of a fixed object. However, the Oxford English Dictionary gave the word a very wide and broad meaning, and a very wide meaning was given to "obstruction" by the court in *Leonis S.S. Co., Ltd.* v. *Rank* (*No. 2*) (1908), 13 Com. Cas. 361, when the same argument now advanced by the owners in a similar situation was rejected, and it was held that congestion of ships was an "obstruction" within the meaning of the relevant charterparty. The court was bound by that decision, and therefore the appeal must be dismissed.

UPJOHN and DAVIES, L.JJ., delivered concurring judgments Appeal dismissed. Leave to appeal to House of Lords.

APPEARANCES: *Eustace Roskill*, Q.C., and *Michael Kerr*, Q.C. (*William A. Crump & Sons*); *John Donaldson*, Q.C., and *Anthony Lloyd* (*J. A. & H. E. Farnfield*).

[Reported by NORMAN PRIMOST, Esq., Barrister-at-Law]

Chancery Division

COMPANY: WINDING-UP PETITION: NO ALLEGATION THAT ASSETS PROBABLY AVAILABLE: WHETHER DEMURRABLE

***In re* Newman and Howard, Ltd.**

Buckley, J. 1st May, 1961

Petition to wind up.

A contributory who after many requests failed to obtain information or accounts from a company, which had not held a general meeting for several years, presented a petition for the company to be wound up on the ground that it was just and equitable so to do. The petition achieved its object of producing accounts and information from the company and, in the circumstances, the petitioner no longer sought a winding-up order. He contended, however, that the company ought to pay his costs of the petition. The company contended that it should not do so but that the petitioner should pay its costs. The petition set out the various matters on which it was founded and then merely stated that in the circumstances it was just and equitable that the company be wound up. It did not allege that the company had or might have assets available for contributories and, therefore, it was said, the petition was demurrable.

PENNYCUICK, J., said that apart from the question of demurrer the proper order was that the company should pay the petitioner's costs of the petition. There was a well established rule that where a contributory presented a petition he must allege and prove at least to the extent of a prima facie case that there were assets of such an amount that in the winding up he would have a tangible interest. But from the very nature of the case there must be an implied qualification to that general rule. It could never be the

REGISTER OF
AUCTIONEERS, VALUERS, SURVEYORS, LAND AND ESTATE AGENTS

LONDON

CITY OF LONDON

BRIGHTWELL & MADDOCK, 29 Ludgate Hill, E.C.4. Tel. CITy 1962/6781.

CHAMBERLAIN & WILLOWS, 23 Moorgate and 58 Coleman Street, E.C.2. Tel. METropolitan 8001 (10 lines).

DEBENHAM, TEWSON & CHINNOCKS, 8 Telegraph Street, Moorgate, E.C.2. Tel. Monarch 5962 (Private branch exchange).

DOUGLAS YOUNG & CO., 12 Coleman Street, E.C.2. Est. 1868. Tel. MON 9378 and at Clapham, S.W.9.

DRON & WRIGHT, 17 Coleman Street, Moorgate, E.C.2. Tel. MONarch 6946 (PBX).

FULLER, HORSEY, SONS & CASSELL. Surveyors, Valuers and Auctioneers of Industrial Premises, Plant and Machinery. 10 Lloyds Avenue, E.C.3. ROY 4861. Established 1807.

GOOCH & WAGSTAFF, Chartered Surveyors, 3 & 4 Old Jewry, E.C.2. Tel. Metropolitan 9444.

HICKLENTON & PHILLIPS, Specialists in Valuation of Jewels and Silver for probate or purchase, 90 Cheapside, E.C.2. METropolitan 8441.

HORNE & CO. (Founded 1795), Chartered Surveyors, Chartered Auctioneers and Estate Agents, 9 Ironmonger Lane, E.C.2. METropolitan 8105 (3 lines).

KING & CO., Chartered Surveyors, Factory Valuers and Agents, 71 Bishopsgate, E.C.2. Tel. LONdon Wall 7201 (5 lines). See also North London.

MARK LIELL & SON, Chartered Surveyors, 9-13 Crutched Friars, E.C.3. Telephone ROYal 5454. And East London.

MATTHEWS & GOODMAN, Chartered Surveyors, 35 Bucklersbury, E.C.4. Tel CITy 5627.

MOORE, C. C. & T., Chartered Surveyors, 13 Lime Street, E.C.3 (Established 1820). Tel MAN 0335/7.

RICHARD ELLIS & SON, Chartered Surveyors, 165 Fenchurch Street, E.C.3. Est. 1773. Tel. MINcing Lane 4272.

ST. QUINTIN, SON & STANLEY, Chartered Surveyors, 149 Leadenhall Street, E.C.3. Est. 1830. Tel. AVEnue 6055.

TOPLIS & HARDING & FINDLAY, 13/14 Union Court, Old Broad Street, E.C.2. Tel. LONdon Wall 7071.

HAROLD WILLIAMS & PARTNERS, Chartered Surveyors, Valuers, Chartered Auctioneers and Estate Agents, Temple Chambers, Temple Avenue, E.C.4. Tel. Ludgate Circus 9288. And at 80 High Street, Croydon. Tel. Croydon 1931.

NORTH LONDON

ALFRED SLINN & CO. (Est. 1889). Muswell Hill Broadway, N.10. Tel. TUD 0091 (5 lines).

BARBER & MOORE, F.A.L.P.A., 26 Stoke Newington Road, N.16. Tel. CLissold 2143/4.

BATTY & STEVENS, 269 Archway Road, Highgate, N.6. Tel. MOU 3424-5. Also at Muswell Hill, Finchley and Barnet, Herts.

KING & CO., Chartered Surveyors, 725 Green Lanes, N.21. Tel. LABurnum 1137 (4 lines). See also City and London.

J. MAUNDER TAYLOR, Chartered Surveyor, Chartered Auctioneer and Estate Agent. 1318 High Road, N.20. Tel. HILlside 2377/7217.

NEWBON & SHEPHARD, Auctioneers, Surveyors and Estate Agents, 274/5 Upper Street, Islington, N.1. Tel. CANonbury 1800.

PERRY & SEYMOUR, Surveyors, Valuers and Estate Agents, 6 Stoke Newington Road, N.16. Tel. CLissold 6611/2.

H. PUTT & SONS, Chartered Surveyors, 580 Green Lanes, London, N.8. Tel. STA 3750. Valuations for Probate and Compulsory Acquisition. Urban Estate Managers.

STURT & TIVENDALE, Chartered Surveyors, 1261 High Road, Whetstone, N.20. HIL 3331/2 and at Highgate, N.6. and Muswell Hill, N.10.

WARD, SAUNDERS & CO., 298/299 Upper Street, Islington, N.1. Tel. Can 2487/8/9.

NORTH-EAST LONDON

H. EDELMAN & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors, Valuers, 172 Clapton Common, E. 5. STA 0036.

WM. STEVENS & SON, 5 Dalston Lane, E.8. Auctioneers and Surveyors. Est. 1869. Tel. CLissold 1802. Also at Brondesbury, N.W.6, and Edgware.

NORTH-WEST LONDON

ANDREWS, PHILIP & CO., F.R.I.C.S., Chartered Surveyors, 275 Willesden Lane, N.W.2. Tel. WILlesden 2236/8.

NORTH-WEST LONDON (*continued*)

ANSCOMBE & RINGLAND, G. B. Slater, W. Andrews, J. G. Slater; Chartered Surveyors, Auctioneers and Estate Agents, 8 Wellington Road, N.W.8. Tel. PRI 7116.

BENNETT & CO., Surveyors, Valuers, Auctioneers, 167 Cricklewood Broadway, N.W. 2. Tel. GLAdstone 6666 and 7871 (6 lines).

CAMERONS (Est. 1908), Estate Agents and Valuers, 90 Walm Lane, N.W.2. Tel. WIL 0091.

T. B. WESTACOTT & SONS, Surveyors, Valuers and Auctioneers, 74 Camden Road, N.W.1. Tel. GULliver 3331/2.

SOUTH-EAST LONDON

BLAKE & DANNATT (Est. 1875), Chartered Surveyors, R. S. Jackson, F.R.I.C.S., F.A.I., George Dannatt, F.R.I.C.S., F.A.I., 18 Nelson Road, S.E.10. Tel. GREenwich 0593/0560.

EASTMAN BROS., Estate Agents & Valuers, 280 Kirkdale, S.E.26. Tel SYD 6601.

FURLONG (H. J.) & SONS, Surveyors, Auctioneers and Valuers, 1 Woolwich New Road, Woolwich, S.E.18. Tel. 1467/8. And at Eltham, S.E.9, and branches.

HUMPHREYS, SKITT & CO. (Est. 1793), 205 Greenwich High Road, S.E.10. GRE 1102/3.

NOYS & HOWES, F.A.L.P.A., 4 Sydenham Road, S.E.26, and 137 Anerley Road, S.E.20. Tel. Syd. 5173, 6293, and 4742.

PEARSONS, Chartered Surveyors, 189/191 Stanstead Road, Forest Hill, S.E.23. Tel. FOR 1133/6.

VICTOR W. HINDWOOD & CO., Auctioneers and Surveyors, 37 Charlton Church Lane, S.E.7. Tel. GREenwich 1144/5/6. Blackheath Village, S.E.3. Tel. LEE 3747. And Branches.

SOUTH-WEST LONDON

ACLAND & CO., Estate Agents, Surveyors and Valuers. Rents collected. 193 New King's Road, S.W.6. Tel. REN. 1368/9 & 2317. Also at Richmond, Surrey (q.v.).

ANLEY & CO., Auctioneers and Surveyors, 853 Fulham Road, S.W.6. REN 2383/5.

GEORGE BELBIN & CO., Chartered Surveyors and Valuers, 1 Knightsbridge Green, S.W.1. Tel. KNightsbridge 8846/8.

CALLOW & CO. (Estab. 1845), 1 Leigham Court Road, Streatham, S.W.16. Tel. STR 0185/6 & STR 5252.

EDWIN EVANS & SONS (Est. 1880), Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 251 & 253 Lavender Hill, Clapham Junction, S.W.11. Tel. BAT 0051 (4 lines). And at Morden, Surrey. Tel. MIT 2281.

FINCH & CO., F.R.I.C.S., F.A.I., 187 Kingston Road, Wimbledon. Tel. LIB 3345. And Clapham, S.W.4.

JOHN FOORD & CO., 56 Victoria Street, S.W.1. Tel. VIC 2002/4. Industrial Valuers, Buildings, Plant & Machinery.

W. HALLETT & CO. (Est. 1869), Surveyors, Valuers and Estate Managers (L. J. Nixon, A.R.I.C.S., Chartered Surveyor, A. R. Nixon, A.A.L.P.A.), 6 Royal Parade, Kew Gardens, Richmond. Tel. RICHmond 1034 and 5950.

C. ERNEST MANEY, F.A.I., F.V.I., 1 Cavendish Parade, South Side, Clapham, S.W.4. Tel. 4414.

RAYNERS, Property Managers, 30 Upper Richmond Road, Putney, S.W.15. Tel. VANdyke 1000/3166/4242.

TAYLOR, A. W., & CO., Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 159 Putney High Street, S.W.15. Tel. Putney 0034 (3 lines). Est. 1883.

WATSON & EWEN (Est. 1896), 366 Streatham High Road, S.W.16 (F.R.I.C.S., F.A.I.) Tel. Streatham 0232 and 4788.

WILLIAM WILLETT ESTATE AGENTS LTD., Sloane Square, S.W.1. Tel. Sloane 8141. And at 146 Gloucester Road, S.W.7. Tel. Frobisher 2238.

YORK & JONES, Office & Business Premises Specialists, 11 Palmer Street, S.W. 1. Tel. ABB 1181/4.

EAST LONDON

ANSTEYS (Est. 1878), Chartered Surveyors, Auctioneers and Valuers, 511 Barking Road, Plaistow, E.13. Tel. Grangewood 0308.

H. J. BLISS & SONS (Est. 1816), 162/4 Bethnal Green Road, E.2. Tel. BIS 4818/9.

BROWN & EWIN, Chartered Auctioneers and Estate Agents, 218 East India Dock Road, E.14. Tel East 3872.

EAST LONDON (*continued*)

CLARKSON & PARTNERS, Chartered Surveyors and Estate Agents, 223 East India Dock Road, E.14. Tel. EASt 1897/8. And 23 Billiter Street, E.C.3. Tel. ROYal 1006/7.

MOORE, C. C. & T., Chartered Surveyors, 33 Mile End Road, E.1. City Office, 13 Lime Street, E.C.3. Tel. MAN 0335/7.

TAYLOR, LOCKHART & LANG, Auctioneers, Surveyors and Estate Managers, Est. 130 years. (S. S. Lockhart F.A.L.P.A., J. W. Lockhart, A.R.I.C.S., A.A.I., R. A. Lang, A.R.I.C.S., M.R.S.H.), 230/232 Whitechapel Road, E.1. BIShopsgate 7378 and at 95 Park Lane, W.1.

WEST-CENTRAL LONDON

BAILEY & WOODBRIDGE, 9 Great Russell Street, W.C.1. Tel.: MUSeum 2624. Estate Agents, Surveyors. Investment Specialists.

BUCKLAND & SONS, 4 Bloomsbury Square, W.C.1. Tel. HOL 0013/4. Also at Windsor, Slough and Reading.

SAVILL, ALFRED & SONS, Chartered Surveyors, Land and Estate Agents, Valuers and Auctioneers, 51a Lincoln's Inn Fields, W.C.2. Tel. HOLborn 8741/9. Also at Chelmsford, Guildford, Norwich, Wimborne and Woking.

E. A. SHAW & PARTNERS (Est. 1899). Surveyors and Valuers, 19 and 20 Bow Street, W.C.2. Tel. COV 2255.

WEST END LONDON

BEECROFT SONS & NICHOLSON—H. C. H. Beecroft, P. R. Beecroft, F.R.I.C.S., F.A.I., Valuers, Surveyors and Assessors, 32a Weymouth Street, W.1. Tel. LAN 6721 (4 lines).

DOUGLAS KERSHAW & CO., Chartered Auctioneers and Estate Agents, Valuers. 20 Brook Street, W.1. Tel. MAYfair 4928 and 3404.

DOUGLAS YOUNG & CO., 1 Dover Street, W.1. Tel. HYD 6441 and at E.C.2.

DRIVERS, JONAS & CO., Chartered Surveyors, Land Agents and Auctioneers, 7 Charles II Street, St. James's Square, S.W. 1. Tel. TRAfalgar 4744.

FOLKARD & HAYWARD, 115 Baker Street, W.1. Tel. WELbeck 8181.

HERRING, SON & DAW (incorporating Arthur F. Bourdas), Rating Surveyors, Valuers and Town Planning Consultants, 23 St. James's Square, S.W.1. Tel. TRAfalgar 4121.

MAPLE & CO., LTD., Estate Offices, 5 Grafton Street, Bond Street, W.1. Tel. HYDe Park 4685.

PERRY & BELL, Bell House, 175 Regent Street, W.1. Tel.: REGent 3333 (4 lines). Surveyors, Valuers, Estate Agents and Auctioneers.

WEST LONDON

ALLEN & NORRIS, LTD., Estate Agents, Valuers and Surveyors, 190 Fulham Palace Road, W.6. Tel. Ful 7817/8/9.

ATHAWES, SON & CO., F.A.I. (Est. 1871), Chartered Auctioneers & Estate Agents, Valuers, Surveyors and Estate Managers, Acton, W.3. (ACOrn 0056/7/8.)

BEALE & CAPPS, Chartered Auctioneers, Surveyors, Valuers, 126 Ladbroke Grove, W.10. Tel. PAR 5671.

CHESTERTON & SONS, Chartered Surveyors, Auctioneers and Estate Agents, 116 Kensington High Street, W.8. Tel. Western 1234.

COLE, HICKS & CHILVERS, Surveyors, etc., Helena Chambers, 42 The Broadway, Ealing, W.5. Tel. Eal 4014/5.

COOKES & BURRELL, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, West Kensington, W.14. Tel. FULham 7665/6.

FARNHAM & COGLEY, Chartered Surveyors and Estate Agents, 9 Kensington Church Street, W.8. Tel. WEStern 0042.

FLOOD & SONS, Chartered Auctioneers and Estate Agents, 8 Westbourne Grove, W.2. Tel. BAY 0803.

TIPPING & CO., Surveyors, Estate Agents and Valuers, 56 Queensway, W.2. Tel. BAY 6686 (4 lines).

GEO. WESTON, F.A.I., Auctioneers, Estate Agents, Valuers, Surveyors, 10 Sutherland Avenue, Paddington, W.9. Tel. Cun 7217 (5 lines).

LONDON SUBURBS

Barnes, East Sheen and Roehampton.—RODNEY SCOTT & CO. (F. G. Porter, F.A.I.), 121 Church Road, Barnes, S.W.13. RIV 2641 (3 lines). And East Sheen.

Battersea, Clapham Junction, Tooting, Southfields.—RAYNERS (Neville Rayner, J.P., F.V.I., F.R.V.A.; L. S. E. Pegler, A.R.I.C.S., A.A.I.), 205 Lavender Hill, S.W.11. Tel BATtersea 8686. Four Offices.

Blackheath and Sidcup.—DYER SON & CREASEY Chartered Surveyors, 22 Tranquil Vale, S.E.3, and 111 Station Road, Sidcup.

Brentford (for West London and West Middlesex).—LINNEY, MATTHEWS & CO. (C. A. Naylor, F.A.I., F.A.L.P.A., F.V.I.), Chartered Auctioneers and Estate Agents, Valuers, 112 High Street, Brentford. Tel. ISLeworth 5277/8.

Chiswick and Bedford Park.—TYSER, GREENWOOD & CO., 386 High Road, H. Norman Harding, F.R.I.C.S., F.A.I., Ernest J. Griffen, F.A.I., G. S. Bradley, F.A.I., Est. 1873. Tel. Chiswick 7022/3/4.

Ealing, Ealing Common and District.—JONES & CO., F.A.I., Chartered Auctioneers and Estate Agents, adj. Ealing Common Station, W.5. Tel. ACO 5006 (3 lines).

East Ham.—HAMLETTS' (LEWIS J. HAMLETT, F.R.I.C.S.), 764 Barking Road, Plaistow, E.13, Surveyors and Estate Agents. Est. 1893. Tel. Grangewood 0546.

East Sheen, Barnes and Richmond.—C. & E. MELVILLE (John A. Knowlton, F.R.I.C.S.), 233 Upper Richmond Road West, East Sheen. S.W.14. Tel. PROspect 1021/2/3.

Edgware.—E. J. T. NEAL, F.R.I.C.S., F.A.I., 39 Station Road. Tel. EDG 0123/4.

Finchley.—E. C. LLOYD, 336 Regents Park Road, N.3. Tel Finchley 6246/7.

Finchley and Barnet.—SPARROW & SON, Auctioneers, Surveyors and Valuers 315, Ballards Lane, N.12. Est. 1874. Tel. HIL 5252/3.

Hammersmith.—MORTON & WATERS, 310 King Street. Valuations, Survey. Estates Managed. Tel. Riverside 1080 and 4567.

Harrow.—E. BECKETT, F.A.I., Surveyor, Chartered Auctioneer and Estate Agent, 7 College Road, Harrow. Tel. Harrow 5216. And at Sudbury, Wembley, North Harrow and Moor Park, Northwood.

(*Continued on p. xvii*)

law that a petitioner was bound to allege and to verify on oath a statement that the company had surplus assets when, by reason of the company's own default, he was not in a position to tell whether or not that statement was true. Nor could it really be the law that a petitioner was bound in such a case to make some vague statement such as "the accounts may show that there will be surplus assets available for the contributories." The rule was simply inapplicable to a case such as the present. The petition was not demurrable: and in the circumstances it would be dismissed because that was what the petitioner asked for; but the company would pay the petitioner's costs of the petition. Order accordingly.

APPEARANCES: *D. Chetwood* (*Preston, Lane-Claypon & O'Kelly, for Southall & Co.*, Birmingham); *Morris M. Finer* (*Stanley A. Coleman & Hill*, Birmingham).

[Reported by K. R. A. HART, Esq., Barrister-at-Law]

COMPANY: WINDING UP: JUDGMENT CREDITOR'S PETITION DISMISSED: COSTS

In re A. E. Hayter & Sons (Porchester), Ltd.

Pennycuick, J. 18th May, 1961

Petition.

On 9th March, 1961, the receiver of a company called an informal meeting of creditors and informed them of the approaching completion of the sale of the company's business and that when the sale was completed the company would go into a creditors' voluntary liquidation. On 19th April, 1961, the petitioner, a judgment creditor who had been present at the meeting of 9th March, presented a petition for the compulsory liquidation of the company. The petitioner's debt was less than half the amount of the company's other unsecured debts. At the hearing, the petition was opposed by a majority of the company's creditors and the petitioner consented to its being dismissed.

PENNYCUICK, J., said that the practice introduced by *In re R. W. Sharman, Ltd.* [1957] 1 W.L.R. 774, that no order as to costs should be made where a judgment creditor presented a petition but was prevented from obtaining an order by the opposition of creditors of greater weight, was appropriate where the petitioner had acted reasonably in presenting and prosecuting the petition: but that, in the circumstances, the petitioner must have known that the petition was virtually bound to fail and must be taken to have acted unreasonably in presenting the petition and ought, therefore, to pay the costs of the company and the opposing creditors. Order accordingly.

APPEARANCES: *Ralph Instone* (*Church, Adams, Tatham & Co.*, for *Sarjeant, Brown & Co.*, Reading); *Muir Hunter* (*Guyer & Co.*); *A. L. Figgis* (*A. R. Jackson*).

[Reported by Miss V. A. MOXON, Barrister-at-Law]

COMPANY: WINDING UP: CREDITOR'S PETITION DISMISSED: COSTS

In re Sklan, Ltd.

Pennycuick, J., 18th May, 1961

Petition.

On 14th December, 1960, a receiver of a company's undertaking was appointed. On 16th February, 1961, a creditor for £500 presented a petition for the compulsory liquidation of the company. On 21st March, there was an informal meeting of creditors at which an unofficial committee was appointed to consider an offer to purchase the company's business which never in fact resulted in a sale. The petition came on for hearing on 6th March when creditors for a total amount of £45,365 supported an application for an adjournment. Most of these creditors ultimately opposed the petition. There were adjourned hearings on 17th April, 1st May and 13th May and evidence was filed. By 21st April, the receiver had entered into fresh negotiations for a sale of the company's business and on 13th May the petitioner consented to the dismissal of the petition on an undertaking to put the company into voluntary liquidation. The company contended that the petitioner should pay its costs.

PENNYCUICK, J., said that a creditor who had not obtained judgment was in the same position, provided his debt was not disputed, as a judgment creditor and that the practice introduced by *In re R. W. Sharman, Ltd.* [1957] 1 W.L.R. 774, and discussed in *In re A. E. Hayter & Sons (Porchester), Ltd. supra*, applied so that, since the petitioner had acted reasonably throughout, it should not be ordered to pay the company's costs. No order as to costs.

APPEARANCES: *Edward Seeley* (*Paisner & Co.*); *Muir Hunter* (*Ernest Randall & Rose*).

[Reported by Miss V. A. MOXON, Barrister-at-Law]

WILL: VESTING POSTPONED UNTIL TWENTY YEARS AFTER DEATH OF LAST SURVIVOR OF DESCENDANTS OF QUEEN VICTORIA LIVING AT DEATH OF TESTATRIX

In re Warren's Will Trusts; Baker-Carr and Another *v.* Warren and Others

Cross, J. 1st June, 1961

Adjourned summons.

By her will dated 6th March, 1936, a testatrix, who died on 25th April, 1944, postponed vesting of the capital and income of her residuary estate until the expiration of twenty years after the death of the survivor of the issue living at her death of Queen Victoria. The trustee of the will took out a summons to determine whether the trusts of the income during the specified period and of the capital to take effect at the expiration of the period were void for uncertainty.

CROSS, J., said that in *In re Villar* [1929] 1 Ch. 243, and in *In re Leverhulme* (1943), 169 L.T. 294, the validity of similar trusts had been upheld, although in the latter case Morton, J., uttered a note of warning that it did not follow that such a trust in the will of a testator dying in 1943 would be valid. The evidence showed that at the death of the testatrix there were living 194 legitimate issue of Queen Victoria; in addition, there were three persons who might claim to be included, and subject to those there would apparently be no other difficulty in ascertaining the descendants. The evidence was more definite than in the earlier cases and he could not say that an inquiry as to the descendants living in 1944 would prove abortive. Things had settled down since the end of the war and there was a continued interest in the fortunes of those descendants. He would, therefore, hold that the trusts were valid. Declaration accordingly.

APPEARANCES: *Mark Cockle, D. A. Thomas, John Monckton* (*Garrard, Wolfe & Co.*); *A. J. Balcombe* (*Charles Russell and Co.*, for *Johnson & Clarence*, Midhurst).

[Reported by Miss M. G. THOMAS, Barrister-at-Law]

Probate, Divorce and Admiralty Division

WILL: PROBATE ACTION: COSTS OF UNSUCCESSFUL PARTY

*In the Estate of Benham, deceased; Saint and Another *v.* Tuckfield

Cairns, J. 1st June, 1961

Probate action.

The plaintiffs propounded the last will of the deceased. The defendant, by his defence, alleged want of due execution, want of testamentary capacity and want of knowledge and approval, and, by his counterclaim, propounded an earlier will of the deceased of which he had been named an executor. After a three-day hearing, the plaintiffs' will was upheld. Application was made that the defendant be condemned in the plaintiffs' costs. Counsel for the defendant submitted that the defendant's costs should be paid out of the estate, on the basis that he had propounded a will as an executor. The value of the estate was about £8,000.

CAIRNS, J., said that the defendant's claim to be treated as an executor was not well founded, since, as his lordship had held, the will appointing the defendant an executor had been revoked by the later will pronounced for in the action. The defendant was not entitled to his costs out of the estate, therefore, unless he could show that the litigation had been caused by the testatrix or by the residuary legatee. There were no grounds, however, for attributing any fault to either. His lordship was not prepared to grant the defendant costs out of the estate. The question then arose whether the case had been one for inquiry. If so, his lordship would say there should be no order as to costs. There were, in this case, certain unusual circumstances, but very little investigation on behalf of the defendant ought to have made it clear that there were no grounds for impugning the last will. The defendant's solicitors had been supplied with copies of the statements made by the attesting witnesses, and the testatrix's doctor had informed the defendant at an early stage that the testatrix was of sound testamentary capacity when she executed her last will. His lordship would in those circumstances order the defendant to pay the plaintiffs' costs. Order accordingly.

APPEARANCES: *H. S. Law* (*Peacock & Goddard*, for *Mooring, Aldridge & Brownlee*, Bournemouth); *K. B. Campbell* (*Hall & Corbin*, Caterham).

[Reported by D. R. ELLISON, Esq., Barrister-at-Law]

HUSBAND AND WIFE: DIVORCE: RE-HEARING OF SUIT: JURISDICTION OF DIVISIONAL COURT

***Brady *v.* Brady and Howes**

Lord Merriman, P., and Lloyd-Jones, J. 1st June, 1961

Motion for re-hearing.

A wife applied to the Divisional Court under r. 36 (1) of the Matrimonial Causes Rules, 1957, for the rescission of a decree nisi of divorce granted to her husband in an undefended suit, and for a re-hearing of the suit. The ground of the application was that the wife's adultery with the co-respondent, upon which the decree nisi had been granted, which had been condoned, was wrongly held to have been revived. The husband resisted the application, and submitted that it was essential to an application under r. 36 (1) that no error of the court at the hearing was alleged, whereas in the present case, the wife alleged that the court wrongly found that her condoned adultery had been revived; she should therefore have appealed to the Court of Appeal, not to the Divisional Court.

LORD MERRIMAN, P., said that, the wife having failed to enter an appearance in the suit before the suit was heard and the decree nisi pronounced, she would not, in the ordinary way, be entitled to go to the Court of Appeal. In *Skull* v. *Skull* [1954] P. 458, it was held that, although there might have been an error of the court within the meaning of r. 36 (1), the Divisional Court had jurisdiction to order a re-hearing if the applicant would not, in the ordinary way, be entitled to go to the Court of Appeal. As it was not in the public interest that the decree nisi should be allowed to stand, it would be rescinded, and a re-hearing of the suit would be ordered.

LLOYD-JONES, J., delivered a concurring judgment. Order accordingly.

APPEARANCES: *T. A. C. Coningsby* (*Henry I. Sydney & Co.*); *M. Morgan Gibbon* and *Trevor Guest* (*Samuel Coleman*).

[Reported by D. R. ELLISON, Esq., Barrister-at-Law]

DIVORCE: CRUELTY: MENTAL ILLNESS

***Kramrisch *v.* Kramrisch**

Baker, J. 2nd June, 1961

Defended divorce.

A wife petitioned for a divorce on the ground of cruelty. The parties were married in 1953 but at the time of the hearing the husband was receiving compulsory hospital treatment for chronic paranoid schizophrenia, the first symptoms of which had become manifest in 1955. The wife alleged acts of cruelty, including incidents of violence, against herself from 1957 until 1959, when the marriage broke up, during which period the husband had been receiving treatment for his illness.

BAKER, J., said that he was satisfied that at no time when the acts of cruelty complained of had taken place had the husband been insane within the McNaghten Rules, so as not to know the nature of the act or that what he was doing was wrong. The case therefore had to be determined on the ordinary principles applicable to cruelty and the court had to see what had happened during the married life of these two persons. Taken by themselves, some of the allegations would fall far short of legal cruelty, but each one seemed to be a symptom of the husband's change of character and so the court had to consider them. In his lordship's opinion the test was, even if the husband's conduct did not amount to actual cruelty, would any reasonable person say that this woman must continue to live with this man as her husband? Putting it another way, was there reasonable apprehension of injury, either physical or mental, to the wife's health in the future? In his lordship's opinion the case of cruelty had been proved and there could be no doubt but that there was clear apprehension of danger to the wife's health in the future. Decree nisi of divorce.

APPEARANCES: *Geoffrey Crispin*, Q.C., and *H. B. Figg* (*Asher Fishman & Co.*); *G. Richard Beddington* (*R. H. Marcus, The Law Society, Divorce Department*).

[Reported by Miss MARGARET BOOTH, Barrister-at-Law]

HUSBAND AND WIFE: JUSTICES: DISMISSAL OF COMPLAINT: DESIRABILITY OF RECORDING DISMISSAL

Baker *v.* Baker

Lord Merriman, P., and Lloyd-Jones, J. 2nd June, 1961

Practice direction.

A wife appealed to the Divisional Court from a dismissal by justices of her complaints of persistent cruelty and desertion.

LORD MERRIMAN, P., said that he wished to state, for the future guidance of justices' clerks, that it was desirable, when a complaint heard by justices was dismissed, that the minute of adjudication should be completed to record the fact that the complaint had been dismissed, just as, when a complaint was found proved, that was recorded in the minute of adjudication.

APPEARANCES: *Lady Walsh* (*Walter Stein & Grover*, Woolwich).

[Reported by D. R. ELLISON, Esq., Barrister-at-Law]

THE WEEKLY LAW REPORTS

CASES INCLUDED IN TODAY'S ISSUE OF THE W.L.R.

REGISTER OF
Auctioneers, Valuers, Surveyors, Land and Estate Agents

Harrow.—CORBETT ALTMAN & CO., F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 40 College Road, Harrow. Tel. Harrow 6222. Also Rating, Compensation and Planning Surveyors.

Harrow.—P. N. DEWE & CO. (P. N. Dewe, F.A.L.P.A., J. Ferrari, F.R.I.C.S., F.A.I., M.R.San.I., J. Cosgrave, A.R.I.C.S., A.M.I.Struct.E.), 42 College Road. Tel. 4288/90 Associated offices at Hillingdon. Established 1925.

Hendon and Colindale.—HOWARD & MANNING (G. E. Manning, F.A.L.P.A., F.V.I.), Auctioneers, Surveyors and Valuers, 218 The Broadway, West Hendon, N.W.9. Tel. Hendon 7686/8, and at Northwood Hills, Middx. Tel. Northwood 2215/6.

Hendon.—DOUGLAS MARTIN & PARTNERS, LTD. —Douglas Martin, F.A.L.P.A., F.V.A.; Bernard Roach, F.A.L.P.A.; Jeffrey Lorenz, F.V.A.; John Sanders, F.V.A.; Alan Pritchard, A.V.A., Auctioneers, Surveyors, etc., Hendon Central Tube Station, N.W.4. Tel. HEN 6333.

Hendon.—M. E. NEAL & SON, 102 Brent Street, N.W.4. Tel. Hendon 6123. Established 1919.

Ilford.—RANDALLS, Chartered Surveyors and Auctioneers (established 1884), 67 Cranbrook Road. Tel. VALentine 6272 (10 lines).

Leyton.—HAROLD E. LEVI & CO., F.A.L.P.A., Auctioneers and Surveyors, 760 Lea Bridge Road, Leyton, E.17. Tel. Leytonstone 4423/4424.

Leyton and Leytonstone.—R. CHEKE & CO., 252 High Road, E.10. Tel. Leytonstone 7733/4.

Leytonstone.—COMPTON GUY, Est. 1899, Auctioneers, Surveyors and Valuers, 55 Harrington Road. Tel. Ley 1123. And at 1 Cambridge Park, Wanstead. Tel. Wan 5148; 13 The Broadway, Woodford Green. Tel. Buc 0464.

Leytonstone.—PETTY, SON & PRESTWICH, F.A.I., Chartered Auctioneers and Estate Agents, 682 High Road, Leytonstone, E.11. Tel. LEY 1194/5, and at Wanstead and South Woodford.

Mill Hill.—COSWAY ESTATE OFFICES, 135/7 The Broadway, N.W.7. Tel. Mill Hill 2422/3422/2204.

Norbury.—DOUGLAS GRAHAM & CO., Estate Agents, Property Managers, 1364 London Road, S.W.16. Tel. POL 1313/1690. And at Thornton Heath, Sutton and Piccadilly, W.1.

Putney.—QUINTON & CO., F.A.I., Surveyors, Chartered Auctioneers and Estate Agents, 153 Upper Richmond Road, S.W.15. Tel. Putney 6249/6617.

South Norwood.—R. L. COURCIER, Estate Agent, Surveyor, Valuer, 4 and 6 Station Road, S.E.25. Tel. LIVingstone 3737.

Stanmore.—GLOVER of STANMORE, F.V.I., The Broadway (and at Station). Grimsdyke 2241 (5 lines).

Tottenham.—HILLYER & HILLYER (A. Murphy, F.A.I., F.V.A.), Auctioneers, Surveyors, Valuers and Estate Managers, 270/2 West Green Road, N.15. Tel. BOW 3464 (3 lines).

Walthamstow and Chingford.—EDWARD CULFF & CO., F.A.L.P.A., Auctioneers and Surveyors and Estate Agents, 92 St. Mary Road, Walthamstow, E.17. Tel. COPpermill 3391. Specialists in Property Management.

Wandsworth (Borough of), Battersea and S.W. Area.—MORETON RICHES, Surveyor, Auctioneer and Valuer, House and Estate Agent, 92 East Hill, Wandsworth, S.W.18. Tel. VANdyke 4166/4167.

Wood Green.—WOOD & LOACH, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 723 Lordship Lane, N.22 (adjacent Eastern National Bus Station, close to Wood Green Tube Station). Tel. Bowes Park 1632.

PROVINCIAL

BEDFORDSHIRE

Bedford.—J. R. EVE & SON, 40 Mill Street, Chartered Surveyors, Land Agents, Auctioneers and Valuers. Tel. 67301/2.

Bedford.—ROBINSON & HALL, 15A St. Paul's Square, Chartered Surveyors. Tel. 2201/2/3.

Luton.—RICHARDSON & STILLMAN, Chartered Auctioneers and Estate Agents, 30 Alma Street, Tel. Luton 6492/3.

BERKSHIRE

Abingdon, Wantage and Didcot.—ADKIN, BELCHER & BOWEN, Auctioneers, Valuers and Estate Agents. Tel. Nos. Abingdon 1078/9. Wantage 48. Didcot 3197.

Bracknell.—HUNTON & SON. Est. 1870. Auctioneers and Estate Agents, Valuers. Tel. 23.

County of Berkshire.—TUFNELL & PARTNERS, Auctioneers, Valuers and Surveyors, Sunninghill (Ascot 1666), Windsor (Windsor 1) and Streatley (Goring 45).

Didcot and District.—E. P. MESSENGER & SON, Chartered Auctioneers and Estate Agents, etc., The Broadway. Tel. Didcot 2079.

Faringdon.—HOBBS & CHAMBERS, Chartered Surveyors, Chartered Auctioneers and Estate Agents. Tel. Faringdon 2113.

Maidenhead.—L. DUDLEY CLIFTON & SON, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 22 Queen Street. Tel. 62 and 577 (4 lines).

Maidenhead, Windsor and Sunningdale.—GIDDY & GIDDY. Tel. Nos. Maidenhead 53, Windsor 73, Ascot 73.

Newbury.—DAY, SHERGOLD & HERBERT, F.A.I., Est. 1889. Chartered Auctioneers and Estate Agents, Market Place, Newbury. Tel. Newbury 775.

Newbury.—DREWEATT, WATSON & BARTON. Est. 1759. Chartered Auctioneers, Estate Agents and Valuers, Market Place. Tel. 1.

Newbury.—C. G. FOWLIE, F.R.I.C.S., F.A.I., Chartered Surveyor, 16 Bartholomew Street. Tel. 761 (2 lines).

Newbury and Hungerford.—A. W. NEATE & SONS. Est. 1876. Agricultural Valuers, Auctioneers, House and Estate Agents. Tel. Newbury 304 and 1620. Hungerford 8.

Reading.—HASLAM & SON, Chartered Surveyors and Valuers, Friar Street, Chambers. Tel. 54271/2.

Windsor and Reading.—BUCKLAND & SONS, High Street, Windsor. Tel. 48. And 154 Friar Street, Reading. Tel. 51370. Also at Slough and London, W.C.

BUCKINGHAMSHIRE

Amersham and The Chalfonts.—SWANNELL & SLY, Hill Avenue, Amersham. Tel. 73. Valuers, Auctioneers, etc.

Amersham, Chesham and Great Missenden.—HOWARD, SON & GOOCH, Auctioneers, Surveyors, and Estate Agents, Oakfield Corner, Amersham (Tel. 1430), and at Chesham 8097 and Great Missenden 2194.

Aylesbury.—PERCY BLACK & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 18 Market Square. Tel. 4661/3.

Aylesbury.—W. BROWN & CO., 2 Church Street. Tel. 4706/7. Urban and Agricultural practice.

Aylesbury.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, 2a & 4 Temple Square, Tel. 4633/4

Beaconsfield.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents. Opposite the Post Office. Tel. 1290/1.

Farnham Common, Nr. Slough.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, The Broadway. Tel. 1062/3.

High Wycombe.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, 30 High Street. Tel. 2576/9.

High Wycombe and South Bucks.—HUNT & NASH, Chartered Surveyors and Auctioneers, 15 Crendon Street. Tel. 884/5 (and at Slough).

High Wycombe and South Bucks.—H. MORCOM JONES & CO., F.A.I., Chartered Auctioneers, 86 Easton Street. Tel. 1404/5.

BUCKINGHAMSHIRE (*continued*)

North Bucks.—WOODHOUSE NEALE, SONS & CO. Estate Agents and Valuers, Estate Offices, Bletchley Tel. 2201/2.

Princes Risborough.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, High Street. Tel. 744/5.

Slough.—EDWARD & CHARLES BOWYER, Chartered Surveyors, 15 Curzon Street. Tel. Slough 20321/2.

Slough.—BUCKLAND & SONS, 26 Mackenzie St. Tel. 21307. Also at Windsor, Reading and London, W.C.1.

Slough.—HOUSEMANS, Estate and Property Managers, Surveyors, Valuers, House, Land and Estate Agents. Mortgage and Insurance Brokers, 46 Windsor Road. Tel. 25496. Also at Ashford, Middlesex.

Slough.—HUNT & NASH, Chartered Surveyors. 7 Mackenzie Street, Slough. Tel. 23295 (3 lines) also at High Wycombe.

Slough and Gerrards Cross.—GIDDY & GIDDY. Tel. Nos. Slough 23379, Gerrards Cross 3987.

CAMBRIDGESHIRE

Cambridge.—HOCKEY & SON. (Est. 1885.) Auctioneers and Surveyors. 8 Benett Street. Tel. 59455/6.

Cambridge and County.—WESTLEY & HUFF, Auctioneers, Surveyors and Valuers, 10 Hills Road, Cambridge. Tel. 55665/6.

CHESHIRE

Altrincham.—STUART MURRAY & CO., Auctioneers, etc., 8 The Downs. Tel. 2302/3. And at Manchester.

Birkenhead.—SMITH & SONS (Est. 1840), Auctioneers, Valuers, BIRKENHEAD (Tel. 1590); and at Liverpool.

Birkenhead and Wirral.—JAMES HARLAND & CO., Chartered Auctioneers, Chartered Surveyors and Estate Agents, Valuers. 46 Church Road, Birkenhead. Tel. 1597 (3 lines).

Chester.—BERESFORD, ADAMS & SON. (Est. 1899.) Auctioneers, Valuers and Surveyors, 22 Newgate Street. Tel. No. 23401.

Chester.—BROWNS OF CHESTER, LTD., Auctioneers, Valuers and Estate Agents, 103 Foregate Street. Tel. Chester 21495/6.

Chester.—HARPER, WEBB & CO. (Incorporating W. H. Nightingale & Son), Chartered Surveyors, 35 White Friars, Chester. Tel. Chester 20685.

Chester.—SWETENHAM, WHITEHOUSE & CO., Auctioneers, Estate Agents, Surveyors, Valuers, 5 St. Werburgh Street. Tel. 20422.

Congleton.—LOUIS TAYLOR & SONS, F.A.I., Chartered Auctioneers and Estate Agents, 21 High Street. Tel. 91.

Congleton.—W. J. WHITTAKER & CO., Incorporated Auctioneers, Valuers and Estate Agents, Congleton, Cheshire. Tel. 241.

Crewe.—HENRY MANLEY & SONS, LTD., Auctioneers & Valuers, Crewe (Tel. 4301) & Branches.

Macclesfield.—BROCKLEHURST & CO., Auctioneers, Valuers, Estate Agents, King Edward Street. Tel. 2183.

Nantwich, Northwich, Winsford & Tarporley.—JOSEPH WRIGHT, Auctioneers, Valuers and Estate Agents, 1 Hospital Street, Nantwich. Tel. 65410.

Northwich.—MARSH & SON, Auctioneers, Valuers, Estate Agents, 4 Bull Ring. Tel. 2216.

Stockport.—HOPWOOD & SON (Est. 1835), Chartered Auctioneers, Valuers, Estate Agents, 69 Wellington Road South. Tel. STO 2123.

CORNWALL

County of Cornwall.—JOHN JULIAN & CO., LTD. Established 1836. Auctioneers, Valuers, Estate Agents, Offices at Newquay, Truro, Falmouth and Wadebridge.

County of Cornwall.—RUSSELL & HAMLEY, F.A.I. (C. J. HAMLEY, F.A.I., A. W. Russell, F.A.I.), 31 Town End, Bodmin. Tel. 346.

Falmouth.—R. E. PRIOR, F.R.I.C.S., F.A.I., Chartered Surveyor and Auctioneer, 3 Market Street, Falmouth. Tel. 1224.

Mid-Cornwall.—S. A. WILSON, F.V.I., St. Austell. Tel. 743 (day and night). Valuer, Business and House Agent.

Penzance, St. Ives, West Cornwall and Isles of Scilly.—W. H. LANE & SON, F.A.L.P.A., The Estate Offices, Morrab Road, Penzance. Tel. Penzance 2286/7

(*Continued on p. xviii*)

CORNWALL (*continued*)

Redruth.—A. PEARSE JENKIN & PARTNERS. Est. 1760. Auctioneers, Surveyors and Valuers, Alma Place.

St. Austell and Looe.—LAMPSHIRE & NANCOLLAS, Chartered Auctioneers and Estate Agents. St. Austell 3254/5. Looe 309.

St. Austell, Lostwithiel and Liskeard.—ROWSE, JEFFERY & WATKINS, Auctioneers, Valuers, Surveyors and Estate Agents. St. Austell 3483/4. Lostwithiel 451 and 245. Liskeard 2400.

Truro, Mid and West Cornwall.—R. G. MILLER & CO., Auctioneers, Valuers and Estate Agents. Established 1934. R. G. Miller, F.V.I., A. I. Miller, A.A.I. 6 King Street. (Phone Truro 2503.)

DERBYSHIRE

Derby.—ALLEN & FARQUHAR, Chartered Auctioneers and Estate Agents, Derwent House, 39 Full Street. Tel. Derby 45645 (3 lines).

DEVONSHIRE

Axminster.—25-mile radius.—TAYLOR & CO., Auctioneers, Valuers, Surveyors, Estate Agents. Tel. 2323/4.

Axminster, East Devon, South Somerset and West Dorset Districts.—R. & C. SNELL, Chartered Auctioneers, Estate Agents, Valuers and Surveyors, Axminster (Devon), Chard (Somerset) and Bridport (Dorset).

Barnstaple and N. Devon.—BRIGHTON GAY, F.A.L.P.A., Surveyors, Valuers, Auctioneers, Joy Street, Barnstaple. Tel. 4131.

Barnstaple and N. Devon.—J. GORDON VICK, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer. Tel. 4388.

Bideford and North Devon.—R. BLACKMORE & SONS, Chartered Auctioneers and Valuers. Tel. 1133/1134.

Bideford and North Devon.—A. C. HOOPER & CO., Estate Agents and Valuers. Tel. 708.

Brixham and Torbay.—FRED PARKES, F.A.L.P.A., Estate Agent, Auctioneer and Valuer, 15 Bolton Street. Tel. 2036.

Devon and Exeter.—GUY MICHELMORE & CO. Norwich Union House, Exeter. Tel. 76464/5.

Devon, Exeter and S.W. Counties.—RICKEARD, GREEN & MICHELMORE, Estate Agents, Auctioneers, Surveyors and Valuers, 82 Queen Street, Exeter. Tel. 74072 (2 lines).

Exeter.—RIPPON, BOSWELL & CO., Incorporated Auctioneers and Estate Agents, Valuers and Surveyors. Est. 1884. Tel. 59378 (3 lines).

Ilfracombe.—W. C. HUTCHINGS & CO., Incorporated Auctioneers, Valuers and Estate Agents. Est. 1887. Tel. 138.

Okehampton, Mid Devon.—J. GORDON VICK, Chartered Surveyor, Chartered Auctioneer. Tel. 22.

Paignton, Torbay and South Devon.—TUCKERS, Auctioneers and Surveyors, Paignton. Tel. 59024.

Plymouth.—D. WARD & SON, Chartered Surveyors, Land Agents, Auctioneers and Valuers. (Est. 1872.) 11 The Crescent, Plymouth. Tel. 66251/4.

Sidmouth.—POTBURY & SONS, LTD., Auctioneers, Estate Agents and Valuers. Tel. 14.

Teignmouth, Shaldon, etc.—ROBT. FROST & SON (Robt. Frost, F.A.I., Chartered Auctioneer and Estate Agent). Est. 1857. 5 Regent Street, Teignmouth. Tel. 671/2.

Torquay and South Devon.—WAYCOTTS, Chartered Auctioneers and Estate Agents, 5 Fleet Street, Torquay. Tel. 4333/5.

DORSETSHIRE

Poole, Parkstone, Broadstone.—RUMSEY & RUMSEY, Head Office, 111 Old Christchurch Road. Tel. Bournemouth 21212. 14 Branch Offices in Hants and Dorset and Channel Islands.

West Dorset.—ALLEN, TAYLOR & WHITFIELD, 25 East Street, Bridport. Tel. 2929.

REGISTER OF
Auctioneers, Valuers, Surveyors, Land and Estate Agents

DURHAM

Darlington.—JAMES PRATT & SONS, F.V.I., Auctioneers, Valuers and Estate Agents, 40a High Row. Tel. 68789 (2 lines).

Darlington.—SANDERSON, TOWNEND & GILBERT Chartered Surveyors, 92 Bondgate.

EAST ANGLIA

Norfolk-Suffolk.—THOS. WM. GAZE & SON, Crown Street Diss. (290/291). Est. a Century. Chartered, Auctioneers, Agricultural, Property and Chattel Valuers.

ESSEX

Benfleet, Hadleigh and South-East Essex.—JOHN S. LLOYD & CO., Chartered Auctioneers and Estate Agents. Head Office: Estate House, Hadleigh, Essex. Tel. 58523 and 59174.

Brentwood and Mid-Essex.—HOWARD'S & CO. (BRENTWOOD), LTD., Surveyors, Valuers and Estate Agents, 143 High Street, Brentwood. Tel. Brentwood 4338.

Chelmsford, Billericay, Braintree and Maldon.—TAYLOR & CO., Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 17 Duke Street, Tel. 55561 (5 lines), Billericay Tel. 112/585, Braintree Tel. 1564/2, Maldon Tel. 88/888.

Chelmsford and Wickford.—R. COOPER HIRST, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer and Estate Agent, 12 Duke Street, Chelmsford (Tel. 4534) and Market Road, Wickford (Tel. 3058).

Chelmsford and Witham.—BALCH & BALCH, Chartered Surveyors, Auctioneers and Valuers, 3 Tindal Square, Chelmsford. Tel. 51551; and Witham Tel. 3381.

Clacton-on-Sea.—DONALD COTTAGE, EAVES & CO., (Chas. W. Eaves, F.A.I., F.A.L.P.A.), 67/69 Station Road, Clacton-on-Sea. Tel. 857/8. And at Holland-on-Sea. Tel. 3270.

Colchester and District.—C. M. STANFORD & SON (Partners and Senior Personnel fully qualified members of Professional Institutes), 23 High Street, Colchester, Tel. 3165 (4 lines).

Halstead and N.E. Essex.—H. G. HUGHES & CO. (G. R. Copsey, A.V.I.) Auctioneers, Estate Agents and Valuers, 29 Chapel Street. Tel. 2519.

Hornchurch.—HAYWARD & CO., Surveyors, Valuers and Estate Agents, 163 High Street. Tel. 46635/6.

Ilford.—S. A. HULL & CO., F.A.I. (Incorporating ASHMOLES, est. 1864), Chartered Auctioneers and Estate Agents, 16 Clements Road. Tel. ILFord 4366/7, and at 404 Cranbrook Road, Gantshill. Tel. Valentine 9525.

Leigh-on-Sea.—GORDON LANE & BUTLER, Auctioneers and Surveyors, 125 Rectory Grove. Tel. 78340.

Leigh-on-Sea.—HAIR (FREDK. G.) & SON, Auctioneers and Surveyors, 1528 London Road. Tel. 78666/7.

Leigh-on-Sea, Rayleigh and Country Districts.—HAROLD W. PINCHBECK, Chartered Surveyor and Valuer (Pinchbeck, Chapman & Co.), 80 Rectory Grove, Leigh-on-Sea (75002) and High Street, Rayleigh. Tel. 24.

Maldon.—TAYLOR & CO., Chartered Auctioneers and Estate Agents. 9 London Road. Tel. 88/888.

Romford and District.—R. CHEKE & CO., 4 North Street, Hornchurch, Essex. Hornchurch 43423/4 and branches.

Romford, Upminster and District.—HILBERY CHAPLIN & CO., Chartered Auctioneers, Estate Agents and Surveyors, 135 South Street, Romford (Tel. Romford 45004) and 42 Station Road, Upminster (Tel. Upminster 2866).

Southend-on-Sea and S.E. Essex.—TAYLOR, SON & DAVIS, Auctioneers and Surveyors, 37 Victoria Avenue, Tel. Southend 41201 (3 lines). And at Westcliff-on-Sea and Leigh-on-Sea.

Southend, Westcliff and Country Districts.—H. V. & G. SORRELL, Chartered Surveyors, Auctioneers and Estate Agents, 40 Clarence Street, Southend. Tel. Southend 4225. And at High Street, Rayleigh.

Southend, Westcliff and South East Essex.—TALBOT & WHITE, Chartered Surveyors, Valuers, Auctioneers and Estate Agents, Established 1885. 34 Clarence Street, Southend-on-Sea. Tel. Southend 48137/8, and 29 and 31 Hamlet Court Road, Westcliff-on-Sea. Tel. Southend 47821/2.

Woodford.—MARK LIELL & SON, Chartered Surveyors, 9 High Road, Woodford Green. Tel. Buckhurst 0181. and East Ham.

GLOUCESTERSHIRE

Bath and District and Surrounding Counties.—COWARD, JAMES & CO., incorporating FORTT, HATT & BILLINGS (Est. 1903), Surveyors, Auctioneers and Estate Agents, Special Probate Department, New Bond Street Chambers, 14 New Bond Street, Bath. Tel. Bath 3150, 3584, 4268 and 61360.

Bristol.—C. J. HOLE & SONS (Est. 1867), 70 Park Row, Bristol, 1. Auctioneers, etc. Tel. 24324 (4 lines).

Bristol.—LALONDE, BROS & PARHAM (Est. 1848), 64 Queens Road. Tel. 27731 (8 lines). And at Weston-super-Mare.

Bristol.—JOHN E. PRITCHARD & CO. (Est. 1785), Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 82 Queen Road, Bristol, 8. Tel. 24334 (3 lines).

GLOUCESTERSHIRE (*continued*)

Bristol, Somerset and Gloucester.—ALDER, STANLEY & PRICE (Established 1911), Valuation Consultants, 7 St. Stephen's Street, Bristol, 1. Tel. 20301. A. Oliver Perkins, F.R.I.C.S., F.A.I., P.P.I.S.A.L.P.A., R. B. Kislingbury, F.R.I.C.S., F.A.I., A. E. Sutor, F.A.L.P.A., W. H. Mapley, A.R.I.C.S., A.R.V.A., F.A.L.P.A., Auction and Estate Offices, 94E Whiteladies Road, Clifton and Redfield.

Bristol and the West of England.—J. P. STURGE & SONS (Established 1760), Surveyors, Land Agents and Auctioneers, 24 Berkeley Square, Bristol, 8. Telephone: 26691 (5 lines).

Cheltenham.—G. H. BAYLEY & SONS, Chartered Auctioneers and Estate Agents, Valuers, 27 Promenade. Tel. 2102. Established in Cheltenham over a century

Cheltenham.—VIRGIN & RICHARDS, LTD., F.V.I. Incorporated Valuers and Estate Agents, 3 Clarence Parade. Tel. 56351.

Cheltenham.—YOUNG & GILLING (J. T. Walford, A.R.I.C.S., A. W. Allard, F.A.L.P.A.), Auctioneers, Surveyors and Valuers. Established over a century. 3 Crescent Terrace, Cheltenham. Tels. 2129 and 2433.

Cirencester.—HOBBS & CHAMBERS, Chartered Surveyors, Chartered Auctioneers and Estate Agents. Tel. Cirencester 62/63.

Gloucester.—SANDOE & SONS, Chartered Auctioneers and Estate Agents, Valuers, 4/5 Market Parade.

HAMPSHIRE

Aldershot, Farnborough, Fleet, Hartley Wintney, Alresford and Winchester.—ALFRED PEARSON & SON (established 1900), Surveyors, Valuers, Auctioneers and Estate Agents.
136 Victoria Road, Aldershot (Tel. Aldershot 17):
Clock House, Farnborough (Tel. Farnbor. 1—2 lines):
Fleet Road, Fleet (Tel. Fleet 1066—3 lines):
High St., Hartley Wintney (Tel. Hartley Wintney 233):
25 West Street, Alresford (Tel. Alresford 274):
Walcote Chambers, High Street, Winchester (Tel. Winchester 3388—2 lines).

Aldershot and Surrey and Hants Borders.—KINGHAM & KINGHAM, Auctioneers, Estate Agents, Surveyors and Valuers, Bank House, Grosvenor Road, Aldershot. Tel. 23353

Alresford. CUBITT & WEST. Tel. 335. Valuers, Surveyors, Estate Agents.

Alton.—EGGAR & CO., incorporating Curtis & Watson, Surveyors, Auctioneers, Land & Estate Agents, Ackender House. Tel. 2401/2. And at Farnham, Surrey, and Basingstoke.

Andover.—F. ELLEN & SON, Land Agents, Auctioneers, Valuers and Surveyors. London Street. Tel. 3444 (2 lines). Established 1845.

Basingstoke.—BATESON & NICHOLAS, Auctioneers, Estate Agents, Surveyors and Valuers, 2 Queens Parade (next G.P.O.), New Street. Tel. 566.

Basingstoke.—EGGAR & CO., incorporating Curtis & Watson, Surveyors, Auctioneers, Land & Estate Agents, 36 Winchester Street. Tel. 2255/6. And at Farnham, Surrey and Alton.

Basingstoke.—SIMMONS & SONS, Surveyors, Valuers, Estate Agents and Auctioneers. Tel. 199.

Bournemouth.—FOX & SONS, Surveyors, Valuers and Auctioneers, 44/52 Old Christchurch Road. Tel. Bournemouth 6300 (10 lines). Branch Offices in all Bournemouth districts and at Parkstone, Ringwood, New Milton, Southampton, Brighton and Worthing.

Bournemouth.—RUMSEY & RUMSEY. Head Office, 111 Old Christchurch Road. Tel. Bournemouth 21212. 14 Branch Offices in Hants and Dorset and the Channel Islands.

Fleet.—H. J. POULTER & SON, Estate Agents, Surveyors and Valuers. Central Estate Offices. Tel. 86.

Gosport.—LAWSON & CO., F.V.I., Estate Agents, Valuers, etc. 9 Brockhurst Road. Tel. 83303 (2 lines).

Gosport.—L. S. VAIL, F.R.I.C.S., Chartered Surveyor. 79 High Street. Tel. 8732.

Havant, Cosham, Portsmouth, Hayling Island.—WHITEHEAD & WHITEHEAD, Chartered Auctioneers and Estate Agents, 5 West Street, Havant. (Tel. 1244/5.) 82 High Street, Cosham. (Tel. 76427/8.) Elm Grove, Hayling Island. (Tel. 77131 and 77148.)

Lymington and Milford-on-Sea.—JACKMAN AND MASTERS (Est. 1886). Auctioneers, Valuers, etc. Tel. Lymington 3292/3.

Lymington and New Forest.—HEWITT & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers. High Street. Tel. Lymington 2323/4.

New Milton and Barton-on-Sea.—HEWITT & CO. F.A.I. New Milton. Tel. 43.

Petersfield.—CUBITT & WEST. Tel. 213. Valuers, Surveyors, Estate Agents.

Portsmouth.—P. G. LUDLOW, Angerstein Road, North End. Tel. 61441/2.

Southampton.—PRING & CO., F.A.I., 40 The Avenue. Tel. 22171/2.

Southampton and New Forest.—DRIVERS, JONAS & CO. (Est. 1725), incorporating Waller & King, Chartered Surveyors, Land Agents, Auctioneers and Estate Agents. 17 Cumberland Place, Southampton. Tel. Southampton 24545.

Winchester.—SAVAGE & WELLER, Surveyors, Auctioneers, Valuers and Estate Agents, 25 St. Thomas Street, Winchester. Tel. Winchester 2531

(*Continued on p. xix*)

HEREFORDSHIRE

Hereford.—GREENLANDS, LTD., Auctioneers, Estate Agents, Valuers. Church Street. Tel. 2366 (4 lines).

HERTFORDSHIRE

All W. Herts, S. Bucks.—(Messrs.) J. GIBSON CRACKNELL, Surveyors and Valuers, Est. 1897. 59 Whippendell Road, Watford. Tel. 29205.

Berkhamsted and Hemel Hempstead.—R. J. AITCHISON, F.A.I., M.R.San.I.

Cheshunt, Cuffley, Waltham Cross and District.—ROBERT TIDEY & SON, Waltham Cross. Tel. 22964.

Hertford.—NORRIS & DUVALL, F.R.I.C.S., F.A.I., 106 Fore Street, Tel. 2249.

Hitchin.—J. R. EVE & SON, 5 Bancroft. Surveyors, Land Agents, Auctioneers and Valuers. Tel. 2168.

N. Herts and S. Beds.—W. & H. PEACOCK, Chartered Surveyors. 8 High Street, Baldock, Herts. Tel. 2185.

Rickmansworth, Chorleywood.—SWANNELL & SLY, 53 High Street, Rickmansworth. Tel. 3141. Valuers Auctioneers, etc.

Tring, Hemel Hempstead and Berkhamsted.—W. BROWN & CO., Urban and Agricultural practice. Head Office: 41 High Street, Tring. Tel. 2235/6.

ISLE OF WIGHT

Bembridge, Cowes, Freshwater, Newport, Ryde, Sandown, Shanklin, Seaview, Ventnor and Yarmouth.—SIR FRANCIS PITTIS & SON, Chartered Surveyors and Chartered Auctioneers.

Cowes, Newport and all Districts.—A. E. & S. C. WADHAM, F.A.L.P.A. (Est. 1860), Cowes. Tel. 1141 (2 lines).

Newport, Ryde, Freshwater, Sandown, Bembridge—WAY, RIDDETT & CO.

KENT

Ashford.—GEERING & COLYER, Auctioneers, Surveyors and Estate Agents, Bank Chambers, Ashford, and at Hawkhurst and Tunbridge Wells, Kent; Rye, Wadhurst and Heathfield, Sussex.

Ashford, Sandwich and East Kent.—JOHN HOGBIN & SON, Auctioneers, Surveyors, Valuers, Land and Estate Agents. Tel. Ashford 449; Sandwich 3163.

Beckenham.—CHRISTOPHER B. CURTIS, M.B.E., Surveyor and Valuer, 257a Croydon Road. Tel. BECkenham 1000.

Beckenham.—JOLLYE & WOOD, 4 The Broadway, Croydon Road. Tel. Beckenham 1430.

Bexleyheath.—ARTHUR KENT & CO., LTD., Surveyors Valuers and Estate Agents. 124/6 Broadway, Tel. 1244/5.

Bromley.—WATERER & DICKINS, Chartered Surveyors, Chartered Auctioneers & Estate Agents, Valuers, 133 High Street, Bromley, Kent. Telephone RAVensbourne 0147/8.

Canterbury.—FARQUHARSON & MILLARD, F.R.I.C.S., F.A.I., 80 Castle Street, Canterbury. Tel. 4861/2.

East Kent.—WORSFOLD & HAYWARD, offices at 3 Market Square, Dover; 11 Queen Street, Deal; 4 St. Margaret's Street, Canterbury; and 12 Preston Street, Faversham. Established 1835.

Folkestone.—GEO. MILNE & CO., Auctioneers and Valuers, 107 Sandgate Road. Tel. 3619.

Folkestone.—TEMPLE, BARTON, LTD., F.A.L.P.A., 69 Sandgate Road. Tel. 2258/9.

Folkestone and District.—BANKS & SON (P. R. Bean, F.R.I.C.S., F.A.I.), Chartered Surveyors, Chartered Auctioneers, etc., 6 Bouverie Square, Folkestone. Tel. 4509/3559.

Folkestone and District.—SMITH-WOOLLEY & CO., Chartered Surveyors, Chartered Land Agents, Valuers, Estate Agents, Manor Office. Tel. 51201/2.

Gravesend and Dartford.—PORTER, PUTT AND FLETCHER, F.A.I., Incorporating DANN & LUCAS, Tel. Gravesend 388 and Dartford 3326.

Gravesend and District.—WINNETT, Auctioneers, Estate Agents and Valuers, 155 Milton Road. Tel. Grav. 2229.

Herne Bay.—E. IGGULDEN & SONS (B. Smith, A.R.I.C.S., A.A.I., L. Pilcher), Surveyors, Valuers and Auctioneers, 128 High Street. Tel. 619/620.

Hythe, Saltwood, Romney Marsh and District.—F. W. BUTLER, 86 High Street, Hythe. Tel. 66608.

Maidstone and District.—COUCHMAN & SON Chartered Surveyors, Chartered Auctioneers and Estate Agents, 42 King Street. Tels. 2558 and 2591.

Maidstone and Mid-Kent.—EVENS & MATTA, A.A.I., M.R.S.H., 70 King Street, Maidstone. Tel. 51283.

Margate.—CLARKE & CRITTENDEN, F.A.L.P.A., Auctioneers and Valuers. Offices: Cliftonville and Westbrook.

Orpington, Petts Wood and West Kent.—MULLOCK (A. F.) & GOWER (A. F. Mullock, J.P., F.A.L.P.A., C. H. Gower, F.A.I.) 161 High Street. Tel. Orp. 25681/2. And Station Square, Petts Wood. Tel. Orp. 23444.

Ramsgate.—LESLIE HOGBIN, F.R.I.C.S., Chartered Surveyor, Auctioneer, Valuer and Estate Agent, 50 Queen Street. Tel. Thanet 53222/3

POINTS IN PRACTICE

Questions, which can only be accepted from practising solicitors who are subscribers either directly or through a newsagent, should be addressed to the "Points in Practice" Department, The Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, London, E.C.4. They should be **brief, typewritten in duplicate,** *and accompanied by the name and address of the sender on a separate sheet, together with a* **stamped addressed envelope.** *Responsibility cannot be accepted for the return of documents submitted, and no undertaking can be given to reply by any particular date or at all*

Company—Voluntary Winding up—Conveyance of Land to Shareholders in Specie

Q. We act for the liquidator of a private limited company which is in course of voluntary winding up. Freehold land in the company's possession is to be distributed to three shareholders in specie but we cannot put our hands on a suitable precedent. Can you assist, please?

A. There is a precedent in the Encyclopædia of Forms and Precedents, 3rd ed., vol. 5, p. 1065, which provides for conveyance in specie to a preference shareholder, and this can be adapted without difficulty to a case of three (presumably) ordinary shareholders. It should be noted that the liquidator acts as witness to the company's seal, and also executes the deed in his own right.

Company—Liability of Receiver on Contracts

Q. *A*, Ltd., agreed to supply to *B*, Ltd., a supply of raw material, whilst *B*, Ltd., in turn agreed to hire to *A*, Ltd., a mechanical loader. Before payment was made by *B*, Ltd., for any of the raw material supplied and before *B*, Ltd., had rendered any hiring account for the loader, a receiver of *B*, Ltd., was appointed. The loader was at the same time withdrawn. The receiver then gave a written undertaking to be responsible for future supplies of raw material and further deliveries were made. The receiver now seeks to set off against the cost of the further deliveries the hiring charges, although these were incurred before he gave his undertaking, and he refuses to pay in full for the cost of the further supplies of raw material. Is he entitled to do this? It will be appreciated that *B*, Ltd., is likely to be insolvent.

A. Assuming the receiver was appointed out of court, he is personally responsible for the cost of the further supplies, unless the contract otherwise provides (Companies Act, 1948, s. 369 (2)). The position would be the same if he were appointed by the court. In our opinion it follows that he can be made liable for the full price and has no right to set off the hiring account which is due to the company alone. In the liquidation of *B*, Ltd., the liquidator can no doubt make a claim for the hiring account, and with a view to set-off against this *A*, Ltd., would be well advised to prefer a claim against *B*, Ltd., for the earlier supply of material, and also for damages for the withdrawal of the loader if this amounted to a breach of contract.

Easement—Laying of Pipes and Drains—Passage of Water and Soil

Q. Blackacre has a frontage to a public highway. In selling all the rear garden ground of Blackacre, the vendor (in the conveyance to the purchaser) included "as appurtenant to the land thereby conveyed" the right to enter on the land retained by the vendor "to make, lay, repair, cleanse and maintain any pipes or drains, all damage to the surface thereby occasioned being made good." It will be noted that no passage of water and soil through any such pipes or drains was included in the grant. We have in mind that there was a case in the High Court a year or so ago which established that where a grant similar to that made in this case was present such a grant impliedly included the passage and running of water and soil.

A. You probably have in mind *Armstrong* v. *Sheppard & Short, Ltd.* [1959] 2 Q.B. 384, but we do not think that it establishes the proposition you state. You may, however, be able to argue that the law implies the grant of what is necessary for the enjoyment of an easement. See, for example, *Central Electricity Generating Board* v. *Jennaway* [1959] 1 W.L.R. 937, at p. 944.

Stamp Duty—Sale of Goodwill—Unstamped Agreement

Q. A client of ours who was a qualified assistant is purchasing his principal's dental practice. His wife is purchasing the house from which the practice is carried on. The house will be conveyed to the wife in the usual way. The goodwill will be purchased by our client by an agreement under seal. The purchase price for the goodwill is £3,700 and the dental equipment has been agreed at £800. The vendor and purchaser are on friendly terms and the vendor is retiring. The agreement will contain the usual clause prohibiting the vendor practising as a dentist for a period of two years within a distance of five miles. The agreement will also contain the usual certificate as to value under the Finance Act that the transaction thereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds £4,500. Our client, the purchaser, is unwilling to pay *ad valorem* stamp duty on the value of the goodwill and is content to accept the agreement unstamped and risk the paying of any penalty should ever the occasion arise. It is not proposed to take a formal assignment of the goodwill. As solicitors for the purchaser, and as such being officers of the court, we should be glad to know what our own position is in regard to the matter. Should we insist upon the *ad valorem* stamp duty being paid on the agreement? The purchaser states that he has known of goodwill being purchased without any formal document.

A. With some minor exceptions, the enforcement of stamp duties rests principally on the Stamp Act, 1891, s. 14 (4), which provides, in short, that a document which is charged with stamp duty and is in fact unstamped, shall not be available for any purpose whatever. Accordingly, we think it is your duty as solicitors for the purchaser and as officers of the court to inform your client that if he refuses to stamp the document it is, unless and until stamped under penalty, of no more use than a piece of waste paper. If he accepts that position there is no more you can do about it.

BOOKS RECEIVED

"Taxation" Key to Income Tax and Surtax. Edited by Percy F. Hughes. 1961/62. Budget Edition. pp. (with Index) 247. 1961. London: Taxation Publishing Co., Ltd. 12s. 6d. net.

The Law of Road Traffic. Third Edition. By H. R. Russell Davies, Ph.D. (Cantab.), LL.M. (Leeds), D.P.A. (Lond.), of the Middle Temple and the North Eastern Circuit, Barrister-at-Law. pp. lxxxii and (with Index) 458. 1961. London: Shaw & Sons, Ltd. £2 10s. net.

The Law of Insurance. By the late Sidney Preston, of the Middle Temple, Barrister-at-Law, and Raoul P. Colinvaux, of Gray's Inn, Barrister-at-Law. Second Edition. pp. lxxxiv and (with Index) 491. 1961. London: Sweet & Maxwell, Ltd. £3 10s. net.

Encyclopedia of Road Traffic Law and Practice. Release No. 2, 13th February, 1961. London: Sweet & Maxwell, Ltd., Edinburgh: W. Green & Son, Ltd. Service issue.

Bell's Sale of Food and Drugs. Thirteenth Edition. Service Volume—Issue No. 4, up to 9th March, 1961. By John A. O'Keefe, O.B.E., B.Sc. (Econ.), LL.B., of the Middle Temple, Barrister-at-Law. 1961. London: Butterworth & Co. (Publishers), Ltd. £1 12s. 6d. net.

An Introduction to Equity. Fifth Edition. By G. W. Keeton, M.A., LL.D., of Gray's Inn, Barrister-at-Law. With Irish Supplement by L. A. Sheridan, LL.B., Ph.D., of Lincoln's Inn, Barrister-at-Law. pp. xlv and (with Index) 400; Supplement: pp. ix and (with Index) 38. 1961. London: Sir Isaac Pitman & Sons, Ltd. £3 15s. net.

NOTES AND NEWS

Obituary

Mr. HERBERT BOOTH, retired solicitor, of Stalybridge, died on 24th May, aged 77. He was admitted in 1910.

Capt. EDWIN PLOMLEY DAVIES, T.D., solicitor, of Rye, town clerk of Winchelsea and clerk to the justices, died on 23rd May, aged 80. He was admitted in 1903.

Mr. ERIC BERTRAM HIBBERT, retired solicitor, of Mansfield, died on 27th May, aged 79. Admitted in 1904, he was president of the Nottinghamshire Law Society in 1954 and a former mayor of Mansfield.

Mr. ARTHUR FRANK SHARMAN, solicitor, of March, Cambridgeshire, died on 22nd May, aged 86. He was admitted in 1897.

Mr. ARTHUR SMART, retired solicitor, of Salisbury, a former town clerk of Salisbury and a clerk of the peace, died on 29th May, aged 75. He was admitted in 1926.

Mr. ALAN PETER THORMAN, solicitor, of Gillingham, Dorset, died on 28th May, aged 41. He was admitted in 1942.

Wills and Bequests

Mr. WILLIAM PERCIVAL HOWES, retired solicitor, of Northampton, left £35,013 net.

Mr. JOHN ROBERTS, retired solicitor, formerly of London, E.C.1, left £94,929 net.

Mr. JOHN RICHARDS WILLIAMS, solicitor, of Swansea and Llandilo, left £83,915 net.

Mr. GEORGE HENRY WILSON, solicitor, of Glossop, left £90,756 net.

Societies

JUSTICE (the British Section of the International Commission of Jurists) will hold its annual meeting of members on Tuesday, 27th June, at 5.15 p.m. in the Niblett Hall, Inner Temple. This will be followed by a public meeting at 6 p.m. at which Lord Justice Devlin will give an address on "Bringing Criminals to Trial."

CASES REPORTED IN VOL. 105

19th May to 9th June, 1961

For cases reported up to and including 17th March, see p. 262, *ante*
For cases reported between 24th March and 12th May, see p. 430, *ante*

PRACTICE DIRECTION

CHANCERY DIVISION

APPLICATIONS FOR EXTENSION OF THE TERM OF A PATENT

An applicant for extension of the term of a patent shall, immediately after the hearing of the summons by the master, apply to the clerk to Mr. Justice Lloyd-Jacob to fix the "appointed day" referred to in Ord. 53A, r. 4 (*c*), of the Rules of the Supreme Court.

As soon as the appointed day has been so fixed, the applicant shall advise the master thereof and the master will ensure that the appointed day is recited in the advertisement directed by Ord. 53A, r. 4 (*d*), of the Rules of the Supreme Court.

By direction of Mr. Justice Lloyd-Jacob.

W. F. S. HAWKINS,
Chief Master, Chancery Division.

19*th May*, 1961.

CORRESPONDENCE

[The views expressed by our correspondents are not necessarily those of "The Solicitors' Journal"]

Timber

Please sir,—I did not mean, in my article on Tree Preservation Orders, to encourage or condone the thoughtless chopping down of trees.

The evil alluded to by your correspondent, Mr. R. D. Birch, could so easily be avoided if the planning people would first ring up the owner to ascertain whether he would enter into a replanting agreement. If it then appears that the owner has the instincts of a vandal, I will not blame the local authority for putting in motion the complicated process resulting in a Tree Preservation Order. Students of Parkinson's Law would find much to interest them in these proceedings; but I would warn them to watch out for motor cars. With so many officials "visiting the site," traffic is likely to be heavy.

HIGHFIELD.

Points in Practice

Highway—FOOTPATH DEDICATED TO PUBLIC—CONVEYANCE OF PART

Sir,—With reference to the point in practice headed as above published in your issue of 26th May (p. 471), is not a simpler answer to the problem given that, as the erection of the garage would require planning permission, the adjoining owner, who apparently is owner of the fee simple, should apply for planning permission and on grant thereof seek an extinguishment order under s. 49 of the Town and Country Planning Act, 1947?

R. GEOFFREY LAYCOCK.

Bath.

[*Our contributor writes:* I agree that s. 49 of the 1947 Act may be a simpler procedure to follow than that under s. 108 of the Highways Act, 1959, but first the adjoining owner has to obtain planning permission, which may well not be obtainable. Also I understood from the facts as stated in the original query that the adjoining owner was not the owner of the fee simple in the subsoil and that this was either the parish council or *X*.]

"THE SOLICITORS' JOURNAL"

Editorial, Publishing and Advertising Offices: Oyez House, Breams Buildings, Fetter Lane, London, E.C.4. Telephone: CHAncery 6855.

Annual Subscription: Inland £4 10s., Overseas £5 (payable yearly, half-yearly or quarterly in advance).

Classified Advertisements must be received by first post Wednesday.

Contributions are cordially invited and should be accompanied by the name and address of the author (not necessarily for publication).

REGISTER OF
Auctioneers, Valuers, Surveyors, Land and Estate Agents

KENT (continued)

Ramsgate and District.—HOLNESS & OVENDEN, F.A.I., Chartered Auctioneers and Estate Agents, Valuers and Surveyors. Estate House, 73 High Street, Ramsgate. Tel. Thanet 52206/7. Established 1838.
Sandwich and East Kent.—G. C. SOLLEY & CO. Offices: 50 King Street, Sandwich. Tel. 3227.
Sevenoaks.—KEMP & THOMAS, F.A.L.P.A., Estate Agents and Valuers. 11a London Road (Tel. 2916).
Tenterden and the Weald of Kent.—HATCH AND WATERMAN, F.A.I. (Est. 1830), Chartered Auctioneers and Estate Agents. Tenterden. Tel. 33.
Tonbridge and District.—NEVE & SON, F.A.I., 146 High Street, Tonbridge. Tel. 3223.
Tunbridge Wells.—DILNOTT STOKES, Chartered Surveyors and Auctioneers, 17 Mount Pleasant. Tel. 3000/1.
Welling.—WM. PORTER & CO., LTD., 28 Falconwood Parade, The Green. Tel. Bexleyheath 2977.
Westgate-on-Sea.—BENEFIELD & CORNFORD, Town Hall Buildings. Thanet 31010.

LANCASHIRE

Blackpool and District.—AIREYS', Chartered Auctioneers and Estate Agents, Valuers and Surveyors, 18 Dickson Road, Blackpool. Tel. 22225/6.
Blackpool and Fylde Coast.—J. ENTWISTLE & CO., Auctioneers, Valuers and Estate Agents, Station Chambers, 2 Dickson Road, Blackpool. Tel. 20093/4.
Grange-over-Sands.—MICHAEL C. L. HODGSON, Auctioneers and Valuers. Tel. 2253.
Liverpool.—BOULT, SON & MAPLES, 5 Cook Street. Tel. Central 9941 (7 lines). And at West Kirby.
Liverpool.—SMITH & SONS (Est. 1840), Valuers, etc., 6 North John Street, Central 9386. And at Birkenhead.
Liverpool and District.—JOS. RIMMER & SON, 48 Castle Street, Liverpool, 2. Tel. Central 3068. Chartered Surveyors, Chartered Auctioneers and Estate Agents.
Liverpool and Wirral.—T. MARTIN BROWN, F.A.I., Valuer & Estate Agent, Coopers Buildings, Church Street, Liverpool, 1. Tel. Royal 3373/4 and 3 Garston Old Road, Liverpool, 19. Tel. Garston 358.
Manchester.—ALFRED H. GARDNER & SON, F.A.I., Chartered Auctioneers and Estate Agents, 56 Mosley Street. Tel. Central 8985/6. And at Cheadle Hulme.
Manchester.—CLAYTON, SON & CROWTHER, Auctioneers, Valuers and Estate Agents, 76 Mosley Street, Manchester, 2. Tel. Cen. 4943/4.
Manchester.—STUART MURRAY & CO., Auctioneers, etc., 64a Bridge Street. Tel. Blackfriars 5747. And at Altrincham.
Manchester and Oldham.—LESLIE D. CLEGG MORGAN & CO., Chartered Surveyors, Specialists in Town Planning, Rating and Compensation, Prudential Buildings, Union Street, Oldham. Tel. MAIn (Oldham) 6401/3. And at 65 Princess Street, Manchester, 2. Tel. Central 7755.
Preston.—E. J. REED & SONS, F.A.I., Chartered Auctioneers and Estate Agents, 47 Fishergate. Tel. 3249.
Rochdale.—ROSSALL, DALBY & PARKER, Auctioneers and Valuers, 5 Blackwater Street. Tel. 3677.
Rochdale and District.—R. BIRTWELL & SON, Chartered Auctioneers and Estate Agents, Valuers, 5 Baillie Street. Tel. 2826.
Rochdale and District.—SHEPHERD LUMB & CO., Auctioneers, etc. The Public Hall, Baillie Street. Tel. 2826.

LEICESTERSHIRE

Leicester.—DONALD BOYER, F.A.I., Chartered Auctioneer & Estate Agent, Valuer-Mortgage, Probate Insurance, Northampton Street. Tel. 21564 (and Rugby).
Leicester and County.—RANDLE & ASPELL (F. E. J. Randle, F.V.I., C. G. Hale, F.A.I., A.L.P.A., G. H. Aspell, A.R.I.C.S., F.A.I., M.R.San.I.), 74 Halford Street. Tel. 5137/8.
Market Harborough.—HOLLOWAY, PRICE & CO., Est. 1809. Chartered Surveyors, Chartered Auctioneers. Tel. 2411.

LINCOLNSHIRE

Grantham and District.—BAILEY & AMBLER, Chartered Auctioneers and Estate Agents, Westminster Bank Chambers, Grantham, Lincs. Tel. 418 (2 lines).
Scunthorpe and District.—SPILMAN, GLASIER AND LONSDALE, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 72 Mary Street, Scunthorpe. Tel. 3803. Est. over 75 years.
Spalding.—S. & G. KINGSTON, F.A.I., Auctioneers, etc., Hall Place Chambers. Tel. 2011.

MIDDLESEX

Edgware.—E. J. T. NEAL, F.R.I.C.S., F.A.I., 39 Station Road. Tel. EDG. 0123/4.
Enfield and North London.—CAMPION & DICKINS, Surveyors, Valuers, etc., 28 Little Park Gardens, Enfield. Enfield 1224/5.

MIDDLESEX (continued)

Harrow.—CORBETT ALTMAN & CO., F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 40 College Road, Harrow. Tel. Harrow 6222. Also Rating, Compensation and Planning Surveyors.
Harrow.—E. BECKETT, F.A.I., Surveyor, Chartered Auctioneer and Estate Agent, 7 College Road, Harrow. Tel. Harrow 5216. And at Sudbury, Wembley, North Harrow and Moor Park, Northwood.
Harrow.—P. N. DEWE & CO., See "London Suburbs" Section. Established 1925.
Harrow.—WARNER & CO. (T. A. Warner, F.A.L.P.A.), Surveys, Valuations, etc., Specialists in Urban Estate Management, 51 Station Road, North Harrow. Tel. Harrow 9636/7/8.
Harrow.—G. J. HERSEY AND PARTNER, Chartered Auctioneers and Surveyors, 44 College Road, Harrow, Middlesex. Telephone No.: Harrow 7484/7441 and at Prudential Chambers, Grey Friars, Leicester. Telephone No. Leicester 57077.
Harrow and District.—BARR & MEAD (C. Grainger, F.A.L.P.A., M.R.San.I.), 202 Northolt Road, S. Harrow. (Tel. Byron 1023 (5 lines)), and 15 College Road Harrow (Tel. Harrow 5178 (3 lines)). Also at Ruislip and Pinner.
Hayes.—KEVIN & FIELD, LTD. (Lister S. Camps, F.F.S., F.V.I., M.R.S.H.), Grange Chambers, Uxbridge Road. Tel. Hayes 3691/2.
Hounslow.—ROPER, SON & CHAPMAN, Auctioneers, Surveyors, etc., 162 High Street. Tel. HOU 1184.
Moor Park and Northwood.—E. BECKETT, F.A.I., Surveyor, Chartered Auctioneer and Estate Agent, MOOR PARK ESTATE OFFICE, Moor Park Station, Northwood. Tel. Northwood (NH2) 4131. And at Harrow, North Harrow and Sudbury, Wembley.
Northwood.—GILBERT LUCK, F.A.L.P.A., Surveyors and Valuers, 58 Green Lane, Northwood. Tel. 2352/3/4, and 111 Pinner Road, Northwood Hills.
Northwood and Pinner.—SWANNELL & SLY, 3 Maxwell Road, Northwood. Tel. 19. Valuers, Auctioneers, etc.
Pinner and District.—BARR & MEAD (C. Grainger, F.A.L.P.A., M.R.San.I.), 2 High Street, Pinner, PINner 7727 and 7800. Also at South Harrow, Harrow and Ruislip.
Pinner (Hatch End).—BRODIE, MARSHALL & CO., Auctioneers, Valuers and Estate Agents, 339 Uxbridge Road, Hatch End. Telephone Hatch End 2238 and 2239.
Ruislip and District.—BARR & MEAD (C. Grainger, F.A.L.P.A., M.R.San.I.), 108 High Street, Ruislip. Tel. Ruislip 2215 and 4583. Also at South Harrow, Harrow and Pinner.
Ruislip, Ickenham and District.—JOHN MEACOCK AND CO., 123/125 High Street, Ruislip. Tel. Ruislip 3072/3/4. And opposite the Church, Ickenham. Tel. Ruislip 5526 and 9824.
Southall and Greenford.—AUSTIN FARR & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 11 South Road, Southall. SOU 6555 (5 lines). 45 The Broadway, Greenford. WAX 4642/4438.
Wembley Park.—LLOYDS (Principal D. J. Westmore, F.R.I.C.S., M.R.San.I.), Chartered Surveyors, Auctioneers and Valuers, 13 Bridge Road. Tel. Arnold 1123/4.
West Drayton and Yiewsley.—R. WHITLEY & CO., Chartered Auctioneers and Estate Agents, 40 Station Road. Tel. W. Drayton 2185.

NORFOLK

Cromer.—R. I. WORTLEY, F.R.I.C.S., Chartered Surveyor, etc., 15 Church Street. Tel. Cromer 2069.
Norwich.—ALDRIDGE & PARTNERS, 22 Surrey Street, Surveyors and Estate Agents. Tel. Norwich 28517/8.
Norwich.—CLOWES, NASH & THURGAR, Est. 1848 (H. M. Thurgar, F.A.I., R. F. Hill, F.A.L.P.A., C. M. Thurgar, A.A.I.), 6 Tombland. Tel. 27261/2.
Norwich.—J. E. TAYLOR, Auctioneer and Estate Agent, 25 Tombland. Tel. 26638.
Norwich and East Anglia.—K. H. FIELDING & SON (J. L. Fielding, F.R.I.C.S., F.A.I.), Chartered Surveyors, etc., 1 Upper King Street, Norwich. Tel. 22980.
West Norfolk.—CRUSO & WILKIN, Chartered Auctioneers and Estate Agents, 27 Tuesday Market Place, King's Lynn. Tel. King's Lynn 3111/2.

NORTHAMPTONSHIRE

Northampton and Daventry.—MERRY, SONS & CO., LTD., Auctioneers, Valuers and Estate Agents, 9 Fish Street, Northampton. Tel. 136. 33 Sheaf Street, Daventry. Tel. 336.
Northampton and District.—WOODS & CO., F.A.I., Chartered Auctioneers and Estate Agents, Valuers, 18 Castilian Street, Northampton. Tel. 3300/1. Established 85 years.
Peterborough and District.—DAKING & DAKING. Est. 1887. Auctioneers, Valuers, Surveyors and Estate Agents, Broadway, Peterborough. Tel. 5245/6.
Peterborough and District.—FOX & VERGETTE, Auctioneers, Valuers, Surveyors and Estate Agents, 16 Priestgate. Tel. 4261/2. Est. over 150 years.
Peterborough and Adjoining Counties.—NORMAN WRIGHT & PARTNERS, Surveyors, 26 Priestgate, Peterborough. Tel. 5695/6.

(Continued on p. xx)

NORTHUMBERLAND

Newcastle upon Tyne, covering the North.—HINDMARSH, HEPPELL & BOURN (Est. 1862), Chartered Auctioneers and Estate Agents, Surveyors, 61 Westgate Road, Newcastle upon Tyne. And at Wallsend-on-Tyne.

NORTHUMBERLAND AND DURHAM

HINDMARSH & PARTNERS, Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 49 Park View, Whitley Bay (Tel. 2351/2), 107 Northumberland St., Newcastle (Tel. 610081 (4 lines)). And at Gateshead and Alnwick.
Newcastle.—DAVID A. LARMOUR & SON, F.R.I.C.S., F.A.I., Saville Row. Tel. Newcastle 20727/8.
WALLHEAD GRAY & COATES, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 84 Pilgrim Street, Newcastle. (Tel. 27471/2.) 75 West Street, Gateshead. (Tel. 72197.) 7 Priestpopple, Hexham. (Tel. 302.) 26 Frederick Street, Sunderland. (Tel. 2544.)

NOTTINGHAMSHIRE

Newark.—EDWARD BAILEY & SON, F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 7 Kirkgate, Newark. Tel. 39.
Nottingham.—ROBERT CLARKE & CO., Chartered Surveyors and Rating Valuers, Oxford Street. Tel. 42534/5.
Nottingham.—WALKER, WALTON & HANSON, Chartered Surveyors and Valuers, Chartered Auctioneers and Estate Agents, Byard Lane. Est. 1841. Tel. Nottingham 54272 (7 lines).
Retford.—HENRY SPENCER & SONS, Auctioneers, 20 The Square, Retford, Notts. Tel. 531/2. And at 4 Paradise Street, Sheffield. Tel. 25206. And 91 Bridge Street, Worksop. Tel. 2654.

OXFORDSHIRE

Bicester, Thame and Oxford.—E. P. MESSENGER & SON, Chartered Surveyors, Auctioneers, Valuers, etc. Thame 263/4; Bicester 10; and Oxford 47281.
Oxford and District.—BUCKELL & BALLARD. Est. 1887. R. B. Ballard, F.A.L.P.A., H. I. F. Ryan, F.R.I.C.S., F.A.I., H. S. Ballard, A.R.I.C.S., F.A.I., 58 Cornmarket Street, Oxford. Tel. 44151, and at Wallingford, Berks. Tel. 3205.
Oxford, Banbury and surrounding districts.—E. J. BROOKS & SON, F.A.I. (Established 1840), Chartered Auctioneers and Estate Agents, Surveyors and Valuers, "Gloucester House," Beaumont Street, Oxford. (Tel. 4535/6) and 54 Broad Street, Banbury (Tel. 2670).
Thame and District.—PERCY BLACK & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 60 North Street. Tel. 288.

SHROPSHIRE

Craven Arms.—JACKSON & McCARTNEY, Chartered Auctioneers, Valuers and Estate Agents. Tel. 2185.
Shrewsbury.—HALL, WATERIDGE & OWEN, LTD., Chartered Auctioneers, Valuers and Estate Agents. Tel. 2081.
Shrewsbury and South Shropshire.—DEAKIN & COTTERILL, 8 Wyle Cop, Shrewsbury, Auctioneers, Estate Agents and Valuers. Tel. 5306 and 2313. And at Church Stretton.
Wellington.—BARBER & SON, Auctioneers, Valuers, Surveyors and Estate Agents, 1 Church Street. Tel. 27 and 444 Wellington.
Whitchurch.—JOSEPH WRIGHT, Auctioneers, Valuers and Estate Agents, 16 Watergate Street, Whitchurch. Tel. 2962 and 2157.

SOMERSET

Bath and District and Surrounding Counties.—COWARD, JAMES & CO., incorporating FORTT, HATT & BILLINGS (Est. 1903), Surveyors, Auctioneers and Estate Agents, Special Probate Department, New Bond Street Chambers, 14 New Bond Street, Bath. Tel. Bath 3150, 3584, 4268 and 61360.
Bath and District.—Estate Agents, Auctioneers and Valuers, Valuations for Probate, Mortgage, etc. HALLETT & CO., 3 Wood Street, Queen Square, Bath. Tel. 3779 and 2118.
Bath and District.—JOLLY & SON, LTD. (Est. 1825.) Estate Agents and Valuers, Funeral Directors, Probate Valuers, Chattell Auction Rooms, Milsom Street, Bath. (Tel. 3201.)
Bath, Bristol and Districts.—LOUIS POWELL & CO., Incorporated Auctioneers, Estate Agents and Valuers, 1 Princes Buildings, Bath. Tel. 2127.
Bath and South West.—CRISP'S ESTATE AGENCY (C. Cowley, F.V.I., Incorporated Surveyor and Valuer, J. L. Cowley, A.A.I., Chartered Auctioneer and Estate Agent) (Est. 1879). Abbey Chambers, York Street, Bath. Tel. 3606 and 61706.
Crewkerne.—25 miles radius.—TAYLOR & CO., Auctioneers, Valuers, Surveyors, Estate Agents. Tel. 546.
Taunton and District.—C. R. MORRIS, SONS AND PEARD, Land Agents, Surveyors, Valuers, Auctioneers, 6a Hammet Street. Tel. 2546. North Curry. Tel. 319.
Weston-super-Mare.—LALONDE BROS. & PARHAM (Est. 1848), 23 Waterloo Street (Tel. 4500); and at Bristol.

REGISTER OF
Auctioneers, Valuers, Surveyors, Land and Estate Agents

SOMERSET (*continued*)

Weston-super-Mare and District.—MASTERS & CO. F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 5 High Street. Tel. 6443/4.

Yeovil and District.—PALMER, SNELL & CO., Chartered Auctioneers and Estate Agents, Surveyors and Valuers, Yeovil. Tel. 25 or 1796.

STAFFORDSHIRE

Stoke-on-Trent and North Staffs.—CHARLES BUTTERS & SONS, Established 1856. Chartered Auctioneers, Surveyors, Valuers and Estate Agents, Trinity Buildings, Hanley, Stoke-on-Trent. Tel. 2138/9. Also at Leek.

SUFFOLK

Bury St. Edmunds and East Anglia.—LACY SCOTT AND SONS, 3 Hatter Street, Bury St. Edmunds. Phone 43 and 692.

Ipswich and East Anglia.—SPURLINGS & HEMPSON (Est. 1780), Chartered Surveyors, Chartered Auctioneers, 26 Princes Street, Ipswich. Tel. 51807/8.

Ipswich and East Anglia.—WOODCOCK & SON, 16 Arcade Street, Ipswich. Tel. 54352 (2 lines). Specialists in Selling Country Property and Farms. Established 1850.

Woodbridge and East Suffolk.—ARNOTT & CALVER, Auctioneers and Valuers. Est. 1870. Tel. 179.

SURREY

Addiscombe, Shirley, Croydon.—MILLER, WILKINS AND CO., Auctioneers, Surveyors and Valuers, 191 Lower Addiscombe Road. Tel. ADDiscombe 2233/4; and 142 Wickham Road, Shirley. Tel. ADDiscombe 4021.

Camberley.—GIDDY & GIDDY, Estate House, London Road. Tel. 1919.

Camberley (Hants and Berks Borders).—SADLER AND BAKER, Chartered Auctioneers and Estate Agents, 95 High Street. Est. 1880. Tel. 4331 (3 lines).

Caterham and District, Sanderstead to Purley.—J. C. O'BRIEN, Station Avenue, Caterham. Tel. 4255 and 348. Limpsfield Road, Sanderstead. Tel. 4426.

Cobham.—EWBANK & CO., in association with Mann and Co. Est. 1891. Tel. 47. Offices throughout West Surrey.

Coulsdon.—SINDEN, TOMKINS & KING, F.A.L.P.A., Valuers, Surveyors and Estate Agents, 26 Chipstead Valley Road. Tel. UPLands 0600.

Croydon.—BLAKE, SON & WILLIAMS. Est. 1798. Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 51 High Street, Croydon. CROydon 7155/6

Croydon, Addiscombe and Wallington.—BOWDITCH & GRANT. (Est. 1881). Surveyors, Valuers, Auctioneers, 103/105 George Street, Croydon. Tel. CRO 0138/9.

Croydon and District.—JOHN P. DICKINS & SONS, Surveyors, Valuers and Estate Agents. Est. 1882. 2 and 4 George Street, Croydon. CROydon 3128/9/30.

Croydon and London.—HAROLD WILLIAMS AND PARTNERS, Chartered Surveyors, Valuers, Chartered Auctioneers and Estate Agents, 80 High Street, Croydon. Tel. Croydon 1931. And at Temple Chambers, Temple Avenue, E.C.4. Tel. Ludgate Circus 9288.

Croydon and Sutton.—SAINT, SYMINGTON AND STEDMAN, Surveyors, Auctioneers and Valuers, 106 High Street, Croydon. Tel. CRO 2216/7. And at 6 Cheam Road, Sutton. Tel. VIG 7616/7.

Dorking.—ARNOLD & SON, Auctioneers & Surveyors, 171 High Street and branches. Est. 1855. Tel. 2201/2.

Dorking.—WHITE & SONS, 104 High Street. Agricultural and General Surveyors and Valuers. Tel. 3255.

Dorking.—PEARSON, COLE & SHORLAND, Surveyors, Valuers and Auctioneers. 279 High Street, Dorking. Tel. 3897/8. And at Reigate.

Dorking, Bookham and Effingham.—CUBITT AND WEST. Tel. Dorking 2212, Bookham 2744. Valuers, Surveyors, Estate Agents.

Dorking and Reigate.—A. R. & J. GASCOIGNE-PEES, F.A.L.P.A., Auctioneers, Estate Agents and Surveyors, 258/260 High Street, Dorking. Tel. 4071/2. 6 Church Street, Reigate. Tel. 4422/3. And at Leatherhead and Epsom.

Epsom and Leatherhead.—A. R. & J. GASCOIGNE-PEES, F.A.L.P.A., Auctioneers, Estate Agents and Surveyors, 21 High Street, Epsom. Tel. 4045/6. 4 Bridge Street, Leatherhead. Tel. 4133/4. And at Reigate and Dorking.

Esher.—EWBANK & CO., in association with Mann & Co. Est. 1891. Tel. 3537/8. Offices throughout West Surrey.

Esher.—W. J. BELL & SON, Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 51 High Street. Tel. Esher 3551/2.

Ewell, Epsom, Leatherhead and adjoining areas.—DOUGLAS, F.A.L.P.A. 10 High Street, Epsom. Tel. 2362/4. (Four other offices.)

Ewell.—WILTSHIRES, Estate Agents, Surveyors, Auctioneers and Valuers, 55 High Street. Tel. Ewell 1665/6.

Farnham.—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, 4 Castle Street. Tel. 5724 (2 lines).

Farnham.—CUBITT & WEST. Tel. Farnham 5261. Valuers, Surveyors, Estate Agents.

SURREY (*continued*)

Farnham.—EGGAR & CO., incorporating Curtis & Watson, Surveyors, Auctioneers, Land & Estate Agents, 74 Castle Street. Tel. 6221/3. And at Alton and Basingstoke, Hants.

Farnham.—GERMAN, ADDY & CO. (Est. 1903). Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 111 West Street. Tel. 5283/4.

Farnham.—WHITEHEAD & WHITEHEAD, amal. HEWETT & LEE, 32 South Street, (Tel. 6277).

Godalming.—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, Estate Offices. Tel. 1722 (5 lines).

Guildford.—MANN & CO., Est. 1891, 22 Epsom Road. Tel. 62911/2. Offices throughout West Surrey.

Guildford.—MESSENGER, MORGAN & MAY, Chartered Surveyors, 8 Quarry Street. Tel. 2992/4.

Guildford.—WHITEHEAD & WHITEHEAD, amal. HEWETT & LEE, 144 High Street. (Tel. 2811/2).

Haslemere.—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, 20 High Street. Tel. 1207.

Haslemere and Hindhead.—CUBITT & WEST. Tel. Haslemere 2345/6/7, Hindhead 63. Valuers, Surveyors, Estate Agents.

Kingston.—A. G. BONSOR, STEVENS & CO., Est. 1899, 82 Eden Street. Tel. KIN 0022.

Kingston.—NIGHTINGALE, PAGE & BENNETT, Est. 1825. Chartered Surveyors, 18 Eden Street. Tel. KIN 3356.

Kingston upon Thames and Area.—BENTALLS ESTATE OFFICES (L. J. Smith, F.A.L.P.A., P. F. Parkinson, B.Sc., A.A.L.P.A.), Wood St. KIN 1001. Sales, surveys, property and chattel valuations, lettings, management.

Leatherhead, Ashtead, Oxshott.—CHAS. OSENTON AND CO., Chartered Auctioneers, 36 North Street, Leatherhead. (Tel. 3001/2); Ashtead 2382, Oxshott 3344.

Mitcham.—LEONARD DAVEY & HART, Chartered Surveyors, Auctioneers, Valuers and Estate Agents, Upper Green. Tel. MITcham 6101/2.

Oxshott.—W. J. BELL & SON, Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 51 High Street, Esher. Tel. Esher 4331 (2 lines).

Redhill and Merstham.—E. H. BENNETT & PARTNERS, Auctioneers and Valuers. Tel. Redhill 3672. Merstham 2234/5.

Reigate.—MARTEN & CARNABY, Surveyors, Auctioneers and Valuers, 23 Church Street. Tel. 3361/2.

Reigate.—PEARSON, COLE & SHORLAND, Surveyors, Valuers and Auctioneers. 4 Bell Street, Reigate. Tel. 4371/2. And at Dorking.

Richmond.—ACLAND & CO., Estate Agents, Surveyors and Valuers. Rents collected. 27 Kew Road (Opposite Richmond Station). Tel. RIC 4011/2.

Richmond.—PENNINGTONS, 23 The Quadrant, Auctions, Valuations, Surveys. Rents collected. Tel. RIC 2255 (3 lines).

Surbiton.—E. W. Wallaker & CO., F.A.L.P.A., Surveyors, Valuers, Auctioneers and Estate Agents, 56/7 Victoria Road, Surbiton, Surrey. Tel. Elmbridge 5381/4, and at Chessington, Surrey, Shoreham-by-Sea and Lancing, Sussex. (Chartered Surveyor D. J. Peachey, F.R.I.C.S.)

Sutton.—DOUGLAS GRAHAM & CO., Estate Agents, Property Managers, 269 High Street. Tel. VIG 0026/7/8. And at Thornton Heath, Norbury and Piccadilly, W.1.

Sutton.—IDRIS JONES & PARTNERS, F.R.I.C.S., F.A.I., 22 The Arcade, Sutton. VIGilant 0182; and at 30 Abbey House, Westminster.

Thornton Heath.—LEONARD DAVEY & HART, Chartered Surveyors, Auctioneers, Valuers and Estate Agents, 781 London Road. Tel. THO 6211/2.

Thornton Heath.—DOUGLAS GRAHAM & CO., Estate Agents and Property Managers, 808 London Road. Tel. THO 3888 (4 lines). And at Norbury, Sutton and Piccadilly, W.1.

Virginia Water and Wentworth.—GOSLING AND MILNER, Station Approach, Virginia Water. Tel. Wentworth 2277. And at 8 Lower Grosvenor Place, S.W.1. Tel. Victoria 3634.

Wallington.—WILLIAM A. DAVIS & PARTNERS, 4 Stanley Park Road. Tel. Wallington 2567.

Walton.—MANN & CO., Est. 1891, 38 High Street. Tel. 2331/2. Offices throughout West Surrey.

Walton and Weybridge.—HIGBY & CHARD (Consultants: George Geen, M.A., F.R.I.C.S., V. C. Lawrence, F.R.I.C.S.), 45 High Street, Walton-on-Thames. Tel. 20487/8.

Walton/Weybridge.—WARING & CO. Est. 1890. Surveyors, Estate Agents, Auctioneers and Valuers. Tel. Walton-on-Thames 24151/2.

West Byfleet.—MANN &CO., incorporating Ewbank and Co., Est. 1891. Tel. 3288/9. Offices throughout West Surrey.

Weybridge.—EWBANK & CO., in association with Mann and Co. Est. 1891. Tel. 2323/5. Offices throughout West Surrey.

Weybridge and District.—J. E. PURDIE & SON, Chartered Surveyors and Estate Agents, 1 and 3 Queens Road, Weybridge. Tel. 3307 (3 lines), and at Walton-on-Thames.

Weybridge and District.—WATERER & SONS, Chartered Auctioneers and Estate Agents, Surveyors, etc. Tel. 3838/9.

SURREY (*continued*)

Woking.—HOAR & SANDERSON, 5 Church Path. Tel. 3263/4. Eleven associated Surrey offices.

Woking.—MANN & CO., Est. 1891, Chartered Surveyor. Tel. 3800 (6 lines). Offices throughout West Surrey.

Woking.—MOLDRAM, CLARKE & EDGELEY, Chartered Surveyors. Tel. 3419; and at Guildford.

SUSSEX

Angmering-on-Sea. Rustington, Worthing and Storrington.—BERNARD TUCKER & SON. Est. 1890. L. B. Tucker, F.R.I.C.S., F.A.I., G. H. E. Evans, F.A.L.P.A., W. J. Brown, F.A.I. Tels. Rustington 1, Worthing 5708/9. Storrington 535.

Arundel and Rustington.—HEASMAN & PARTNERS. Tel. Arundel 2323, Rustington 900.

Bexhill-on-Sea.—JOHN BRAY & SONS (Est. 1864), Estate Agents, Auctioneers and Valuers, 1 Devonshire Square. Tel. 14.

Bexhill-on-Sea and Cooden.—ERNEST SHEATHER, F.A.I., & PARTNER, Auctioneers and Estate Agents, 14 St. Leonards Road. Tel. 350, 351 and 2280.

Bexhill-on-Sea and Little Common.—RICHES & GRAY (Est. 1883), Chartered Auctioneers and Estate Agents, 25 Sea Road, Bexhill-on-Sea. Tel. 34/5. And at 25 Cooden Sea Road, Little Common. Tel. Cooden 2939.

Brighton.—RAYMOND BEAUMONT, F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 35 East Street. Tel. Brighton 20163.

Brighton.—MELLOR & MELLOR, Chartered Auctioneers and Estate Agents, 110 St. James's Street. Tel. 682910.

Brighton and Worthing.—H. D. S. STILES & CO., F.R.I.C.S., F.A.I. (special rating diploma), 6 Pavilion Buildings. Tel. Brighton 23244 (4 lines). 10 King's Bench Walk, Temple, E.C.4. Tel. Central 5356. 3 The Steyne, Worthing. Tel. Worthing 9192/3.

Brighton.—FRANK STONE & PARTNERS, F.A.L.P.A., 84 Queen's Road. Tel. Brighton 29252/3.

Brighton and Hove.—WILLIAM WILLETT, LTD., Auctioneers and Estate Agents, 52 Church Road, Hove. Tel. Hove 34055. London Office, Sloane Square, S.W.1. Tel. Sloane 8141.

Brighton, Hove and Surrounding Districts.—MAURICE P. HATCHWELL, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer and Estate Agents, 4 Bartholomews, Brighton, 1. Tel. Brighton 23107.

Brighton and Hove and Surrounding Districts.—C. HORTON LEDGER, F.A.I., Established 1885, Chartered Auctioneer and Estate Agent, Surveyor and Valuer, "Sussex House," 126/7 Western Road, Hove. Tel. Sussex. 1291.

Chichester and Bognor Regis.—WHITEHEAD & WHITEHEAD, Chartered Auctioneers and Estate Agents, South Street, Chichester. Tel. 3031 (5 lines). Station Road, Bognor Regis. Tel. 2237/8.

Crawley.—WM. WOOD, SON & GARDNER, Estate Agents, Surveyors and Valuers. Tel. Crawley 1.

Crowborough.—DONALD BEALE & CO., Auctioneers, Surveyors and Valuers. The Broadway. Tel. Crowborough 3333.

Eastbourne.—FRANK H. BUDD, LTD., Auctioneers, Surveyors, Valuers, 1 Bolton Road. Tel. 1860.

Eastbourne.—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 12 Gildredge Road. Tel. Eastbourne 1285.

Eastbourne.—HEFFORD & HOLMES, F.A.I., Chartered Auctioneers and Estate Agents, 51 Gildredge Road. Tel. Eastbourne 7840.

Eastbourne.—OAKDEN & CO., Estate Agents, Auctioneers and Valuers, 24 Cornfield Road. Est. 1897. Tel. 1234/5.

Eastbourne and District.—FARNHAM & CO., Auctioneers, Estate Agents and Valuers, 6 Terminus Road, Eastbourne. Tel. 4433/4/5. Branch at 87 Eastbourne Road, Lower Willingdon, and 4 Grand Parade, Polegate.

East Grinstead.—Messrs. P. J. MAY (P. J. May and A. L. Apthorp, F.R.I.C.S., F.A.I., M.R.San.I.), 2 London Road. Tel. East Grinstead 315/6.

East Grinstead.—TURNER, RUDGE & TURNER Chartered Surveyors. Tel. East Grinstead 700/1.

Hassocks and Mid-Sussex.—AYLING & STRUDWICK Chartered Surveyors. Tel. Hassocks 882/3.

Hastings, St. Leonards and East Sussex.—DYER & OVERTON (H. B. Dyer, D.S.O., F.R.I.C.S., F.A.I.; F. R. Hynard, F.R.I.C.S.), Consultant Chartered Surveyors. Estd. 1892. 6-7 Havelock Road, Hastings. Tel. 5661 (3 lines).

Hastings, St. Leonards and East Sussex.—WEST (Godray, F.R.I.C.S., F.A.I.) & HICKMAN, Surveyors and Valuers, 50 Havelock Road, Hastings. Tel. 6688/9.

Haywards Heath and District.—DAY & SONS, Auctioneers and Surveyors, 115 South Road. Tel. 1580. And at Brighton and Hove.

Haywards Heath and Mid-Sussex.—BRADLEY AND VAUGHAN, Chartered Auctioneers and Estate Agents. Tel. 91.

Horsham.—KING & CHASEMORE, Chartered Surveyors, Auctioneers, Valuers, Land and Estate Agents. Tel. Horsham 3355 (3 lines).

Horsham.—WELLER & CO., Surveyors, Auctioneers, Valuers, Estate Agents. Tel. Horsham 3311. And at Guildford, Cranleigh and Henfield.

Hove.—DAVID E. DOWLING, F.A.L.P.A., Auctioneer, Surveyor, Valuer & Estate Agent. 75 Church Road, Hove. Tel. Hove 37213 (3 lines).

(*Continued on p. xxi*)

REGISTER OF
Auctioneers, Valuers, Surveyors, Land and Estate Agents

SUSSEX (*continued*)

Hove.—PARSONS SON & BASLEY (W. R. De Silva, F.R.I.C.S., F.A.I.), 173 Church Road, Hove. Tel. 34564.

Hove and District.—WHITLOCK & HEAPS, Incorporated Auctioneers, Estate Agents, Surveyors and Valuers, 65 Sackville Road. Tel. Hove 31822.

Hove, Portslade, Southwick.—DEACON & CO., 11 Station Road, Portslade. Tel. Hove 48440.

Lancing.—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 8-14 South Street, Lancing, Sussex. Tel. Lancing 2828.

Lewes and Mid-Sussex.—CLIFFORD DANN, B.Sc., F.R.I.C.S., F.A.I., Fitzroy House, Lewes. Tel. 4375. And at Ditchling, Hurstpierpoint and Uckfield.

Seaford.—W. G. F. SWAYNE, F.A.I., Chartered Auctioneer and Estate Agent, Surveyor and Valuer, 3 Clinton Place. Tel. 2144.

Storrington, Pulborough and Billinghurst.—WHITEHEAD & WHITEHEAD amal. with D. Ross & Son, The Square, Storrington (Tel. 40), Swan Corner, Pulborough (Tel. 232/3), High Street, Billinghurst (Tel. 391).

Sussex and Adjoining Counties.—JARVIS & CO., Haywards Heath. Tel. 700 (3 lines).

West Worthing and Goring-by-Sea.—GLOVER & CARTER, F.A.L.P.A., 110 George V Avenue, West Worthing. Tel. 8686/7. And at 6 Montague Place, Worthing. Tel. 6264/5.

Worthing.—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 8-14 South Street, Lancing, Sussex. Tel. Lancing 2828.

Worthing.—STREET & MAURICE, formerly EYDMANN, STREET & BRIDGE (Est. 1864), 14 Chapel Road. Tel. 4060.

Worthing.—HAWKER & CO., Chartered Surveyors, Chapel Road, Worthing. Tel. Worthing 1136 and 1137.

Worthing.—PATCHING & CO., Est. over a century. Tel. 5000. 5 Chapel Road.

Worthing.—JOHN D. SYMONDS & CO., Chartered Surveyors, Revenue Buildings, Chapel Road. Tel. Worthing 623/4.

WARWICKSHIRE

Birmingham and District.—SHAW, GILBERT & CO., F.A.I., "Newton Chambers," 43 Cannon Street, Birmingham, 2. Midland 4784 (4 lines).

Coventry.—GEORGE LOVEITT & SONS (Est. 1843), Auctioneers, Valuers and Estate Agents, 29 Warwick Row. Tel. 3081/2/3/4.

WARWICKSHIRE (*continued*)

Coventry.—CHAS. B. ODELL & CO. (Est. 1901.) Auctioneers, Surveyors, Valuers and Estate Agents, 53 Hertford Street. Tel. 22037 (4 lines).

Leamington Spa and District.—TRUSLOVE & HARRIS, Auctioneers, Valuers, Surveyors. Head Office: 38/40 Warwick Street, Leamington Spa. Tel. 1861 (2 lines).

Sutton Coldfield.—QUANTRILL SMITH & CO., 4 and 6 High Street. Tel. SUT 4481 (5 lines).

WESTMORLAND

Kendal.—MICHAEL C. L. HODGSON, Auctioneers and Valuers, 10a Highgate. Tel. 1375.

Windermere.—PROCTER & BIRKBECK (Est. 1841), Auctioneers, Lake Road. Tel. 688.

WILTSHIRE

Bath and District and Surrounding Counties.—COWARD, JAMES & CO., incorporating FORTT, HATT & BILLINGS (Est. 1903), Surveyors, Auctioneers and Estate Agents, Special Probate Department. New Bond Street Chambers. 14 New Bond Street, Bath. Tel. Bath 3150, 3584, 4268 and 61360.

Marlborough Area (Wilts, Berks and Hants Borders). JOHN GERMAN & SON (Est. 1840), Land Agents, Surveyors, Auctioneers and Valuers, Estate Offices, Ramsbury, Nr. Marlborough. Tel. Ramsbury 361/2, And at Ashby-de-la-Zouch, Burton-on-Trent and Derby.

WORCESTERSHIRE

Kidderminster.—CATTELL & YOUNG, 31 Worcester Street. Tel. 3075 and 3077. And also at Droitwich Spa and Tenbury Wells.

Kidderminster, Droitwich, Worcester.—G. HERBERT BANKS, 28 Worcester Street, Kidderminster. Tels. 2911/2 and 4210. The Estate Office, Droitwich. Tels. 2084/5. 3 Shaw Street, Worcester. Tels. 27785/6.

Worcester.—BENTLEY, HOBBS & MYTTON, F.A.I., Chartered Auctioneers, etc., 49 Foregate Street, Tel. 5194/5.

YORKSHIRE

Bradford.—NORMAN R. GEE & HEATON, 72/74 Market Street, Chartered Auctioneers and Estate Agents. Tel. 27202 (2 lines). And at Keighley.

YORKSHIRE (*continued*)

Bradford.—DAVID WATERHOUSE & NEPHEWS, F.A.I., Britannia House, Chartered Auctioneers and Estate Agents. Est. 1844. Tel. 22622 (3 lines).

Hull.—EXLEY & SON, F.A.L.P.A. (Incorporating Officer and Field), Valuers, Estate Agents, 70 George Street. Tel. 3399/2.

Leeds.—SPENCER, SON & GILPIN, Chartered Surveyors, 132 Albion Street, Leeds, 1. Tel. 30171.

Scarborough.—EDWARD HARLAND & SONS, 4 Aberdeen Walk, Scarborough. Tel. 834.

Sheffield.—HENRY SPENCER & SONS, Auctioneers, 4 Paradise Street, Sheffield. Tel. 25206. And at 20 The Square, Retford, Notts. Tel. 531/2. And 91 Bridge Street, Worksop. Tel. 2654.

SOUTH WALES

Cardiff.—DONALD ANSTEE & CO., Chartered Surveyors, Auctioneers and Estate Agents, 91 St. Mary Street, Tel. 30429.

Cardiff.—S. HERN & CRABTREE, Auctioneers and Valuers. Established over a century. 93 St. Mary Street. Tel. 29383.

Cardiff.—J. T. SAUNDERS & SON, Chartered Auctioneers & Estate Agents. Est. 1895. 16 Dumfries Place, Cardiff. Tel. 20234/5, and Windsor Chambers, Penarth. Tel. 22.

Cardiff.—JNO. OLIVER WATKINS & FRANCIS, Chartered Auctioneers, Chartered Surveyors, 11 Dumfries Place. Tel. 33489/90.

Swansea.—E. NOEL HUSBANDS, F.A.I., 139 Walter Road. Tel. 57801.

Swansea.—ASTLEY SAMUEL, LEEDER & SON (Est. 1863), Chartered Surveyors, Estate Agents and Auctioneers, 49 Mansel Street, Swansea. Tel. 55891 (4 lines).

NORTH WALES

Denbighshire and Flintshire.—HARPER WEBB & CO., (incorporating W. H. Nightingale & Son), Chartered Surveyors, 35 White Friars, Chester. Tel. 20685.

Wrexham, North Wales and Border Counties.—A. KENT JONES & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers. The Estate Offices, 43 Regent Street, Wrexham. Tel. 3483/4.

★ Classified Advertisements ★

PUBLIC NOTICES—INFORMATION REQUIRED—CHANGE OF NAME
4s. per line as printed

APPOINTMENTS VACANT—APPOINTMENTS WANTED—PRACTICES AND PARTNERSHIPS and all other headings
15s. for 30 words. Additional lines 4s. Box Registration Fee 2s. extra

Advertisements should be received by first post Wednesday for inclusion in the issue of the same week and should be addressed to THE ADVERTISEMENT MANAGER, SOLICITORS' JOURNAL, OYEZ HOUSE, BREAMS BUILDINGS, FETTER LANE, E.C.4. CHAncery 6855

PUBLIC NOTICES

CITY OF LIVERPOOL

TOWN CLERK'S DEPARTMENT

Applications are invited for the appointment of Assistant Common Law Clerk. Salary £645 to £960 per annum, according to age and experience. (A.P.T. Grades I–II.) Consideration will be given to applicants with suitable academic qualifications or with three years' practical experience in the negotiation of claims and the conduct of litigation.

Application form, returnable by 19th June, 1961, and further particulars from the undersigned.

THOMAS ALKER,
Town Clerk.

Municipal Buildings,
Liverpool, 2.
(J.6853.)

BOROUGH OF KENDAL

APPOINTMENT OF LAW CLERK

Applications are invited for the appointment of Law Clerk in my department, at a salary within A.P.T. Grade II (£815–£960 per annum).

Applicants should have experience of conveyancing and general legal work; previous local government experience is desirable but not essential. The appointment will be subject to the provisions of the Local Government Superannuation Acts and to the National Scheme of Conditions of Service. (A five-day working week is observed.)

Applications, stating age, education and experience, together with the names and addresses of two referees, should reach me not later than 21st June, 1961.

Canvassing will disqualify and any relationship to members or senior officials must be disclosed.

F. J. PEARSON,
Town Clerk.

Town Hall,
Kendal,
Westmorland.
5th June, 1961.

CITY OF NOTTINGHAM

ASSISTANT SOLICITOR

Applications are invited for the appointment of an Assistant Solicitor in my office at a salary in Grade " B " of the Salary Scales of Certain Chief and Other Officers, commencing at £1,600 per annum and rising by one increment to £1,670 per annum.

Applications endorsed " Assistant Solicitor " accompanied by the names of two persons to whom reference can be made should be addressed to me so as to reach me not later than Wednesday, the 14th June next.

T. J. OWEN,
Town Clerk.

The Guildhall,
Nottingham.

NEW SCOTLAND YARD

PROSECUTING SOLICITORS on permanent staff of Solicitor's Department. Age 24–40. Starting salary £1,150 at age 24 to £1,703 at age 35 (or over). Scale maximum £1,937. Non-contributory pension. Good prospects of promotion. No previous experience required of criminal prosecutions. Particulars from Secretary, Room 165 (LA), New Scotland Yard, S.W.1.

APPOINTMENTS VACANT

LITIGATION Managing Clerk, experienced insurance company and common law claims, required by busy City firm. Good salary for suitable applicant.—Box 7798, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

YOUNG Assistant Solicitor required by City firm. Fine prospects for the right man. Good all-round experience required. Interesting position. Salary up to £1,500.—Box 7799, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING Managing Clerk required by City solicitors in office in Croydon area. Salary £1,000 p.a. for the right man. Ideal working conditions. Friendly office.—Box 7800, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

COSMOPOLITAN Willesden.—Young conveyancing clerk or newly qualified solicitor required to deal with deluge of work. Needs to be enthusiastic and thick skinned. A salary will be paid.—Box 7540, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

WINDSOR, Berks.—Medium-sized firm have vacancy for unadmitted conveyancing assistant. Pension scheme. Assistance with housing if desired. Pleasant offices. Youngish person with limited experience considered. Charles Coleman & Co., 20 Sheet Street, Windsor.

ASSISTANT (Admitted or Unadmitted) for Litigation (including County Court) in busy West End practice. Partnership prospects for admitted man.—Box 7801, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CITY Solicitors require Probate Clerk. Write stating full particulars.—Box B991, c/o Walter Judd, Ltd., 47 Gresham St., E.C.2.

FARNFIELD & NICHOLLS of Gillingham, Dorset, owing to the death of a partner, require Assistant Solicitor with a view to partnership. Good prospects. Mainly conveyancing.

CONVEYANCING Managing Clerk for Central London Solicitors; £1,500 to £1,750 p.a. offered really experienced man. Enquiries confidential. Strand Business Agencies, 322 High Holborn, W.C.1. (CHAncery 3878).

SHEFFIELD.—Young solicitor required by sizeable firm for common law matters. Little advocacy, excellent progressive post with prospects.—Box 7802, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

HIGH HOLBORN.—Solicitor with small but busy conveyancing and trust practice requires admitted or unadmitted Assistant with experience. Salary £1,000–£1,500 according to experience. Good prospects.—Box 7810, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT Solicitor required by Blackpool firm for end of July. Recently qualified applicant requiring supervision would be considered.—Box 7803, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

LONDON, N.W.1.—Solicitor or unadmitted managing clerk required for general practice. Good progressive salary by arrangement. Permanent position with good prospects for right applicant. Write with details of age and experience to Box 7804, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOUTH-WEST London Solicitors with Young and Energetic Staff, seek Cashier/Bookkeeper; varied and interesting work in pleasant modern offices. Hours 9.30 to 6 (no Saturdays) but part-time working will be considered. Please write stating qualifications and salary required.—Box 7805, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOUTH-WEST London Solicitors with Young and Energetic Staff seek Articled Clerk for very congenial and interesting work in pleasant modern offices. No premium required and a small salary will be paid. Applicants from British Colonies are invited to apply, but full knowledge of English is, of course, absolutely essential.—Box 7806, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR (preference graduate or public school) required for general practice in North West (near sea and Lake District) as assistant with view early partnership. Salary about £1,400. Assistance with house. State experience and interests.—Box 7807, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ABLE, ambitious and energetic Solicitor aged between 30 and 40 required for expanding medium-sized London practice. Proposed early appointment as salaried partner with prospects leading to profit sharing partnership without the necessity of capital. Appropriate commensurate salary.—Box 7808, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT Solicitor required for general practice in North London. Must be willing to undertake advocacy. Salary according to age and experience. Partnership prospects.—Box 7809, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BERKSHIRE.—Newly qualified solicitor required as Assistant in small general practice in busy market town.—Box 7348, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR required for General Practice in Bristol. Successful applicant will be engaged on Common Law matters involving some travel—Motor Car provided—Assistance with housing if required—Partnership Prospects—Non-contributory Pension Scheme. Salary by arrangement. Apply giving full details of education and experience.—Box 7772, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

continued on p. xxiii

Classified Advertisements

continued from p. xxii

APPOINTMENTS VACANT—*continued*

PROBATE Managing Clerk required (male or female) by South-East London solicitors. Own office; minimum supervision or as required; Stenorette system; three weeks' vacation; salary according to experience.—Box 7320, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

WIGAN.—Old-established practice require assistant, admitted or unadmitted; good knowledge and experience Conveyancing, Probate and General Practice. Work with or without supervision. Write, stating age and experience.—Box 7821, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PROBATE Department of Bedford Row firm needs a first-class Manager, and we are prepared to pay a first-class salary. We have in mind someone between 40/50, but may be more or less, who has been doing probate work for at least 10 years. We can offer a permanent progressive post where knowledge and ability will be fully used and recognised.—If you fit the bill and are interested send in confidence brief details of your experience and age to Box 7822, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOUTH-WEST.—Old-established Solicitors practising in Market Town and Holiday area urgently require Assistant Solicitor, preferably under 35. Conveyancing and Probate but Common Law and Advocacy desirable. Good salary and prospects of early partnership.—Box 7815, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING Managing Clerk required by busy London, N.W.1, solicitors. £700–£1,000 p.a. according to experience and ability. Holiday arrangements respected.—Box 7743, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ADMITTED Solicitor required as from September, 1961, for busy office in N.W. London suburbs. Applicant should be willing to cope with both litigation and conveyancing, with accent on the former. Salary around £1,000 per annum and definite prospects of junior partnership after satisfactory trial period.—Box 7817, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

WATFORD Solicitors require Conveyancing Clerk; admitted or unadmitted; salary according to experience; good prospects and working conditions.—Apply to Arnold & Co., 74A St. Albans Road, Watford.

WEST END Solicitors have vacancy for good young Assistant Solicitor prepared to give particular attention to Common Law and Commercial matters. Excellent prospects for right man.—Box 7816, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOUTH DEVON Coastal Town.—Assistant Solicitor required for Conveyancing, Probate and Trust matters in old-established practice; write stating age and qualifications; salary by arrangement.—Box 7818, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT Solicitor required by East Midlands City firm, advocacy and common law, partnership prospects. Write giving details of age, experience and salary required.—Apply, Box 7819, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

NIGERIA.—Interesting opportunity able Barrister or Solicitor with initiative and preferably some general experience. Immediate appointment with excellent conditions and prospects. Write for interview London.—Box 7820, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING MANAGER

Under 30. Exceptional chance for intelligent unadmitted conveyancer with initiative, prepared to undertake straightforward work in expanding City firm. Very good salary, L.V.'s, pleasant offices.—Box 7767, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

WEST END firm (off Grosvenor Square) requires Litigation Managing Clerk to run the Litigation Department of an old-established general practice, with minimum supervision.—Box 7756, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT Solicitor required by Wednesbury firm, principally advocacy. Write giving details of age and experience.—Box 7750, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING ASSISTANT aged 25–45 (admitted or unadmitted) required for large office in South East Midlands. Substantial and progressive salary, excellent working conditions; pension and life assurance schemes, existing holiday arrangements honoured; assistance if necessary with housing and removal expenses.—Particulars of experience and salary required to Box 7768, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

REQUIRED by Surrey (Redhill) Solicitors, Assistant Solicitor for County Court Department and to undertake advocacy. Newly admitted man considered.—Write Box 7769, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BERKSHIRE.—Newly qualified Solicitor required as assistant in small general practice in busy market town. Box 7348, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING Manager (around £1,500 p.a.) required by medium-size West End firm to take charge of department. Permanent and congenial position, varied work. Suit youngish man desiring better himself.—Box 7483, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PROBATE managing clerk required (male or female) by South-East London Solicitors; own office; minimum supervision or as required; Stenorette system; 3 weeks' vacation; salary according to experience.—Box 7320, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT solicitor required in rapidly expanding practice in Willesden. Good partnership prospects to right man with good knowledge of conveyancing. Excellent commencing salary.—Box 7665, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOUTHEND-ON-SEA.—Assistant Solicitor required for expanding practice mainly conveyancing and probate. Opportunity for energetic young man. Prospects of partnership, salary by arrangement.—Write stating age and experience to Box 7116, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

HORNCHURCH solicitors require conveyancing assistant (unadmitted). Must be capable of working without supervision. Salary by arrangement.—Box 7720, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

NEWCASTLE Insurance Company has opening suitable for Common Law Clerk in connection with the investigation of Employers Liability and Public Liability claims. Excellent prospects for a young man aged about 25/30. An interesting and progressive post with good salary and non-contributory pension scheme.—Write giving full details to Box 7780, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

INDUSTRIAL Group, Headquarters Birmingham, has vacancy for Solicitor in Secretarial Department. Position would suit recently-qualified Solicitor desirous of making a career in industry. Conveyancing experience desirable.—State age, experience, qualifications, present salary, and when available to Box 7781, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

continued on p. xxiv

CHIEF ASSISTANT SOLICITOR

Applications are invited from Solicitors, aged 26 to 36 years, for the position of Chief Assistant to the Solicitor of a national Building Society. The salary will be progressive, commencing at £1,250 to £1,750 per annum, according to age and experience. Applicants must be sound conveyancers, able to work with little supervision, and willing to accept responsibility. This is an excellent opportunity for an ambitious man.

Removal expenses up to £50 will be paid and holiday arrangements will be honoured. A contributory pension scheme (which includes provision for widow and dependent children) is in operation.

Applications, endorsed " Chief Assistant " giving particulars of age, education and experience, should reach me not later than Tuesday, 13th June.

K. F. SOLLOWAY,
Welford House,
Welford Place,
Leicester.

★ Classified Advertisements ★

continued from p. xxiii

APPOINTMENTS VACANT—*continued*

THE ELECTRICITY COUNCIL

APPOINTMENT OF LAW CLERK

Applications are invited for the superannuable position of Law Clerk in the Solicitor's Department at the Council's Headquarters in London. The candidate appointed would be required to assist in the general legal work of this statutory corporation.

● The salary will be within the range of £935—£1,190 p.a. commencing at a point depending upon the applicant's ability and experience.

Applications stating age, qualifications, experience, education, present position and salary to:—
E. LANDUCCI, THE ELECTRICITY COUNCIL, WINSLEY STREET, W.1. by 24th June, 1961. Quote Ref. SJ/116.

FLADGATE & CO., 70 Pall Mall, S.W.1, require young Conveyancer to work with or without supervision. Salary by arrangement according to experience. Holiday arrangements honoured. No Saturdays. Pension scheme. Good prospects for suitable applicant.

SOLICITOR to Companies—City of London. —Write stating age, experience and if office required.—Box 7796, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT required principally for Conveyancing and Probate and opportunity Company work; exceptional working conditions; good salary and prospects; pension scheme.—Dyckhoff & Johnson, 85 High Street, Cheadle, Cheshire.

BRIGHTON Solicitor has vacancy for energetic conveyancing managing clerk; salary £1,000 p.a.; reply stating age and experience.—Box 7793, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

MIDLANDS.—Pleasant and progressive city; friendly office; excellent salary and prospects for solicitor interested primarily in conveyancing with opportunity for wide variety of work.—Box 7794, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT Solicitor required for general work; able to work without supervision or with slight supervision; five-day week; salary by arrangement.—Write stating age and experience to Marcan & Dean, 20 Victoria Street, S.W.1.

APPLICATIONS are invited for the appointment of Assistant Solicitor in the legal department of The Kenning Motor Group. Duties would include conveyancing, some litigation and general legal and administrative matters with opportunities for travel within the U.K. Contributory pension scheme. Commencing salary £1,000 to £1,200 according to experience. Newly qualified applicants will be considered.—Applications, stating age, education and experience should be sent to J. B. Thomas, Kennings Ltd., Kenning House, West Street, Chesterfield.

SOLICITORS in Worcestershire health resort have vacancies for young Conveyancing Clerk and young Litigation Clerk. Both posts offer good opportunities for energetic and ambitious men (or women) looking for promotion to Senior Clerkships. Competitive salaries depending on experience. House available to rent for married man.—Box 7782, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

APPOINTMENTS WANTED

SOLICITOR (aged 41) available as locum tenens from August onwards. Full-time or part-time. Fee by arrangement.—Box 7811, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

(VOLUNTARILY Disbarred) Barrister reading for Solicitors Final seeks congenial engagement (Consultant?) with high class firm. Some capital available. Norfolk or Country preferred but not essential. —Box 7493, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PRACTICES AND PARTNERSHIPS

FOR SALE.—Old-established solicitor's practice in country town in West Midlands. Net annual profits £4,000.—Box 7812, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

YOUNG solicitor with own growing practice wishes to purchase small/medium size London practice from solicitor contemplating retirement in near future.—Box 7771, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PREMISES, OFFICES, ETC.

BRIGHTON/HOVE, 101 Western Road, Hove, Sussex. Office to let on ground floor adjoining Estate Offices, rent £2 p.w. Telephone service if necessary.—Apply SHAWS, F.A.L.P.A., M.R.San.I., "Estate House," 85 Shaftesbury Avenue, W.1. Telephone Gerrard 5851.

REGENT STREET, W.1 (off)

NEW Office Building.—Floor area approx. 13,000 sq. ft. Garaging, etc. Four flats. Possession late summer. Rent £21,800 p.a. excl. Full details and plans from:—
CHAMBERLAIN & WILLOWS,
23 Moorgate, E.C.2. (MET 8001.)

OFFICES for disposal in prominent part of N.W. suburb. Two large rooms. Newly fitted and decorated. Price £100 for 7-year lease at £260.—Box 7759, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CHARTERED Accountant, Ealing Broadway, has one or two spacious offices to let, approximately 450 sq. ft.—Apply Box 7813, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

MORTGAGES

PLAY SAFE—PUT IT IN THE HANDS OF
PETER G. HIRSCH & CO., LTD.
8 BRUNSWICK PLACE, HOVE
Tel.: 71398/9
Sussex Leading Mortgage Brokers
MORTGAGE ADVANCES AND BUILDING FINANCE UP TO 100 PER CENT.
BRIDGING FINANCE
HOUSE PURCHASE FROM 5½ PER CENT.
Second Mortgages Any amount

MORTGAGES
on
INVESTMENT PROPERTIES

First-class mortgages and finance facilities available

Investment Properties and Second Mortgages our Specialities

LESLIE, MICHAEL & CO., LTD.
ARCHER HOUSE
ARCHER STREET, PICCADILLY
W.1
GER. 1402 and 3

BUILDING FINANCE

PROPERTY FINANCE

Short Term Bridging Finance
available for
Developments and Conversions

Box 7629, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4

BUILDING FINANCE AVAILABLE

100 per cent of Building Cost up to 60 per cent of Land Cost
INTEREST OR PARTICIPATION
Also conversion finance available

LESLIE, MICHAEL & CO., LTD.
ARCHER HOUSE
ARCHER STREET, PICCADILLY
W.1
GER. 1402/3-2652

MORTGAGE FUNDS

WE offer a specialised service re mortgage advances on Shop Properties, Factories and Houses over £10,000. Sums also available for Building and Industrial development.—MILLER SMITH AND PARTNERS, 139 Park Lane, W.1. Tel.: MAYfair 7081–4.

continued on p. xxv

Classified Advertisements

continued from p. xxiv

PROPERTY INVESTMENTS

LEASE BACK INVESTMENTS
ON SHOPS AND INDUSTRIAL PREMISES IN LONDON AREA

We will purchase your property and grant you long leases at economical rents to substantial tenants. Furnish full particulars. Box 7777, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PROPERTY INVESTMENTS

INVESTMENTS REQUIRED

ACTIVE enquiries in hand for good-class shop investments, blocks of flats, freehold ground rents and weekly investments of all types.—Details in confidence to Cowdrey, Phipps & Hollis, F.A.L.P.A., Investment Department, 140 Park Lane, Marble Arch, W.1. MAYfair 1329 (2 lines).

FINANCIAL

ABANDON DELAYS

READY MADE COMPANIES

(guaranteed "no trading")

£20 : 0 : 0 *inclusive*

(over 200 in stock)

By Return of Post to Country or delivery immediately in London.
Free draft on application.

LEWIS, COATES & LUCAS, LTD
LAW STATIONERS
6-9 Surrey Street, Strand, W.C.2
TEMple Bar 6927 (4 lines)

A BARGAIN, £25 complete, brand new ready-made Co. Regns. Guaranteed no trading (England or Scotland); all trades available now, including Property Dealing; Mining/Quarrying; Garages; Electrical; Glass/China; Drapers; Packers; Plastics; H.P. Finance; Salvage; Banking, Nominees; Secretarial; Stocks/Shares; Property; Investments; Caravans, etc. (specially prepared for each trade). Write, phone or call (English Registrations) BUSINESS ECONOMY Co., Regns., Ltd. (Dept. 14), 156 Strand, London, W.C.2 (Tem. 8377/2294); (Scottish Registrations to 19 Walker Street, Edinburgh, 3, (Cal. 1167/9). Read "Advantages of trading as a limited Company" (3/- post free). Ltd. Co. may save you personal tax. We also have seven days Co. Regn. service with your own choice of name £21 (plus stamp duty).

PERSONAL

DAVIS OF PORT STREET, PICCADILLY, MANCHESTER, 1.—For fine furniture at manufacturers prices. Walk round our three large showrooms, which are open daily until 6 p.m. (Wednesday and Saturday included). We are stockists of all the latest designs of furniture, carpets, mattresses, divans. 10-year guarantee. Also all domestic electrical equipment, etc. Special concession and credit facilities to members of the legal profession. Write to us for whatever you want—we can supply. No other introduction required. Tel.: CEN 0638.

COMPLETIONS
10/6 — £2 : 2 : 0
TEL.
CHAncery 7509
WITTEN & CO.
322 HIGH HOLBORN, W.C.1

GARRARD & CO. LTD., Crown Jewellers, offer the highest prices for jewellery, silver and gold articles. Offers, without obligation, will be sent for consignments received at 112 Regent Street, London, W.1. For larger quantities of silver, our buyers will visit you upon request.

CARRINGTON & CO., LTD., will give best prices for items of Jewellery, Silver and Gold sent for offer, or our representative will call to estimate for larger quantities. Valuations for Probate, Insurance, etc. 130 Regent Street, London, W.1.—Tel.: REG. 3727.

STRUCTURAL SURVEYORS

SPENCER AND FASSETT
Chartered Surveyors
EXPERT STRUCTURAL SURVEYORS
DETAILED INSPECTION MADE OF PROPERTIES FOR CLIENTS INTENDING TO PURCHASE AND STRUCTURAL SURVEY REPORTS SUBMITTED
122 High Road, N.W.10. WIL. 5348

FINANCIAL

BUILDING AND PROPERTY FINANCE
BRIDGING AND CONVERSIONS

Realistic Terms with Participation. Quick Decision. No Fees. Give full details.
Box 7776, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BUILDING LAND WANTED

LAND WANTED for housing. Home Counties. 2/50 acres. Agents retained and reinstructed. Planning applications and appeals undertaken.—TRUE BOND HOMES, LTD., 342 Richmond Road, East Twickenham. (POP 6231).

VALUATIONS

ANTIQUE AND MODERN FURNITURE, Silver, Porcelain, Pictures, Books and all descriptions of Chattel Property VALUED FOR PROBATE, INSURANCE OR FAMILY DIVISION, or, if desired, included in specialised auction sales. Sales also arranged by tender or private treaty.—Phillips, Son & Neale, 7 Blenheim Street, New Bond Street, W.1. Telephone No.: MAYfair 2424. Est. 1796.

REVERSIONS, LIFE POLICIES, ANNUITIES and UNQUOTED SHARES.—H. E. Foster and Cranfield, 6 Poultry, E.C.2, specialise in the valuation of these interests for probate purposes. Established 1843.

TRADE VALUATIONS
STOCKS & FIXTURES
SALE OR PROBATE

Extensive staff of expert valuers available at short notice

ALL MAIN DISTRIBUTIVE TRADES

ORRIDGE & CO.
184 STRAND, LONDON, W.C.2
Telephone: TEMple Bar 9212/3 and 6340

Branch offices in Lancashire, Yorkshire, Hampshire, Glamorgan and Warwickshire

Members of leading professional bodies

VALUERS SINCE 1846

COSTS

THE COSTS DEPARTMENT
OF
The Solicitors' Law Stationery Society, Ltd.,
is available to the profession for the prompt preparation of all
BILLS OF COSTS
by expert draftsmen.

For full details apply The Manager, Costs Department, Oyez House, Breams Buildings, Fetter Lane, E.C.4.
(CHAncery 6855.)

PRIVATE INQUIRIES

DIVORCE and general inquiries undertaken throughout London, Surrey, Middlesex by our own staff. Evictions and distress warrants executed. Certificated Bailiffs. Southern Provincial Investigations, 45 Brighton Road, Surbiton, Surrey (Elmbridge 1032/4). Also at 107 Hammersmith Road, London, W.14.

continued on p. xxvi

Classified Advertisements

continued from p. xxv

INQUIRIES & PROCESS SERVING

PROCESS SERVING and Inquiry Work undertaken. Efficient service, moderate charges and Country wide coverage.

LAW & COMMERCIAL ENQUIRIES, LTD., Chansitor House, 38 Chancery Lane, London, W.C.2. CHAncery 6059.

TYPING, ETC.

LEGAL TYPING including STENORETTE, PHILIPS and ALL TAPE TRANSCRIPTIONS, Copying, Engrossing, Abstracting. DUPLICATING pro forma letters, drafts, etc. COMPLETIONS attended.—RUSHGROVE AGENCY, 563 Watford Way, London, N.W.7. MILl Hill 7242.

DRAFTS and Engrossments expertly typed, hand engrossing, plans drawn or copied, multiple copying by special process, photocopying; all expeditiously done in proper form and at moderate charges. On all copying problems, consult the Copying Departments of The Solicitors' Law Stationery Society, Ltd., Head Offices, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BOOKS AND PERIODICALS

THE "CORDEX" SELF-BINDING CASE specially designed to contain issues of THE SOLICITORS' JOURNAL is now available price 14s., post free. Capacity 26 issues and index. Issues easily inserted or removed.—The Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BINDING OF VOLUMES

WHY not have your issues of THE SOLICITORS' JOURNAL bound and preserve in permanent form those articles which are of lasting value to you? The Publishers can accept the issues for 1960 and earlier years for binding in Green or Brown, full cloth, titled on spine, at £1 13s. 6d. per volume, post free, or in Half Calf, titled on spine, at £2 8s. per volume, post free. Issues should be addressed to The Binding Dept., The Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

TRANSLATIONS

LEGAL DOCUMENTS and other miscellaneous matter (French, German and Italian); accurate rendering mailed day work received.

H. Verney Clayton, M.C.,
THE Woodlands, Market Rasen, Lincs.

MISCELLANEOUS

OLD DEEDS. — Good prices given for old parchment deeds; any quantity accepted, large or small.—Please send full details to H. Band & Co., Ltd., Brent Way, High Street, Brentford, Middlesex.

FOR SALE.—Handsome walnut breakfront bookcase approximately 8 ft. × 8 ft., ample shelving above with cupboard space beneath with bound runs of Chitty's Statutes, Weekly Law Reports and Current Law Statutes.—Offers over £80 to Box 7814, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

FOR SALE.—Halsbury's Statutes of England, second edition (Burrows), £75. Halsbury's Statutory Instruments, £15. Both works are complete, up-to-date and as new.—C. H. Tolley, Rowlands & Co., 18 Buckingham Street, London, W.C.2.

HIGHEST PRICES PAID for Coins and Medals, especially collections and gold. Catalogue of English Coins, 9s. 3d. Specimen Bulletin, 1s.—B. A. Seaby, Ltd., 65 Great Portland Street, London, W.1.

NILS HELLNER. Attorney-at-Law Hornsgaten, 40 Stockholm.—Law suit debt collections. Correspondence in English, French, German and Spanish.

THE WILL TO

Will

A WILL to do good.

A WILL to assist those who serve others.

A WILL to leave a bequest to the Florence Nightingale Hospital, which by service at little cost to those in sickness commends itself to fullest consideration.

A WILL that will do good. Will you?

The kindly consideration of the legal profession in advising their clients as to bequests is urgently desired. Details may be obtained from the Appeal Secretary.

Florence Nightingale HOSPITAL

19 Lisson Grove, London, N.W.1.
PADdington 6412.

PRIVATE INVESTIGATIONS
BURR & WYATT
LIMITED
4 CLEMENT'S INN, STRAND, LONDON, W.C.2
HOLborn 1982 (4 lines) :: Established 30 years
Members of
Association of British Detectives
Associated American Detective Agencies
Associate of Licensed Detectives of New York State

COMMONWEALTH AND CONTINENTAL CHURCH SOCIETY
(COLONIAL AND CONTINENTAL CHURCH SOCIETY)
Patron: Her Majesty The Queen
(The Church Society for Britons Abroad)

Has served Britons overseas for 137 years by the Spiritual, Educational, Medical and Social ministrations of devoted Chaplains, Teaching and Medical Staffs and other Agents.

Wholly maintained by voluntary support, the Society is in great need of funds.

A word to Testators:

"Ask your Solicitor to include a legacy in your will for us."

A word to Solicitors:

"In your advice to clients please give priority to the needs of this work for our own people abroad, especially those living in lonely outposts."

Further information will be supplied by the President:
The Rt. Hon. Lord Luke of Pavenham,
Commonwealth and Continental Church Society,
7 York Buildings,
Adelphi, London, W.C.2

Founded 1884
FLOWERDEW & CO.
LIMITED
Law Agents, Translators and Stationers
Every Business Aid for the Legal Profession
HEAD OFFICES—
73 Manor Road, Wallington, Surrey
'Phone—WALLINGTON 4441-3
Telegrams—"Flowerdew, Wallington, Surrey"
LONDON OFFICES—
3/4 CLEMENTS INN, STRAND, W.C.2
'Phone—CHANCERY 5481-2
and
9 SOUTHAMPTON PLACE, W.C.1
'Phone—HOLBORN 7178

Friends of Man
They've earned a rest . .
Ensure them one
With a Bequest!

● **WHEN DRAWING UP WILLS**
please remember to include the

HOME of REST for HORSES

WESTCROFT STABLES
BOREHAM WOOD HERTS

ROYAL SURGICAL AID SOCIETY
Founded 1862
Residential Homes:
Lea Hurst, Matlock: Blunt House, Oxted
Entirely dependent on Voluntary Contributions

AUCTIONEERS' ANNOUNCEMENTS

H.D.S. STILES & Co.
CHARTERED SURVEYORS
CHARTERED AUCTIONEERS & ESTATE AGENTS
10 KING'S BENCH WALK, TEMPLE, E.C.4
City 2946 and Central 5356
6 PAVILION BUILDINGS, BRIGHTON
Brighton 23244 (4 lines)
3 THE STEYNE, WORTHING
Worthing 9192/3

EST. 1881 TEL. Mon 1464, Syd 6601
EASTMAN BROTHERS
SURVEYORS and VALUERS
ESTATE AGENTS
Surveys and Valuations for all purposes
Plans and Specifications
Estate Management in all areas
HALIFAX HOUSE, 62/64 MOORGATE, E.C.2

(ESTABLISHED 1899)
E. A. SHAW & PARTNERS
(C. M. SPAGNOLETTI, F.A.I.
R. T. FITZSIMMONS, F.A.I.)
SURVEYORS AND VALUERS
19 & 20 Bow Street, Covent Garden, W.C.2
(Over Midland Bank)
Tel.: COVENT GARDEN 2255 (4 lines)

C. W. MAYNE
(Established 1872)
Chartered Surveyors and Valuers
GUY MAYNE, F.R.I.C.S.
218 EARL'S COURT ROAD,
LONDON, S.W.5
Telephone Frobisher 0026 (2 lines) Adjoining Station

COLE, HICKS AND CHILVERS
(Established over 80 years)
Auctioneers, Estate Agents and Surveyors
Helena Chambers, 42 Broadway, Ealing
Telephone : Ealing 4014/5/6

EST. 1813
DEBENHAM STORR
AND
JOHNSON DYMOND
LIMITED
-AUCTIONEERS AND VALUERS-
SPECIALISTS IN THE SALE OF ALL CLASSES OF PROPERTY
Sales held in two spacious Auction Rooms daily, one being reserved for jewellery, silver and plated ware, watches, etc.; the other for furniture, pictures, bronzes, works of art, carpets, guns, wine, furs, wearing apparel and personal effects
Valuations for Probate, Insurance and other matters
APPLY—
26 King Street, Garrick Street, London, W.C.2
Telephone : TEMple Bar 1181 & 1182
Telegrams : "Viewing" London

WARD, SAUNDERS & CO.
L. B. Saunders, F.A.I., F.C.I.A. W. J. Allin, F.A.L.P.A., F.V.I. W. J. Sims, F.A.I., F.V.I.
Auctioneers, Estate Agents, Surveyors and Valuers
SURVEYS, VALUATIONS, SALES, LETTINGS, MORTGAGES, REQUISITION CLAIMS, COMPULSORY PURCHASE, DILAPIDATIONS, ETC.
ESTATE MANAGEMENT SPECIALISTS
Bankers : Lloyds Bank Ltd. Barclays Bank Ltd.
The Estate Offices
298 and 299 Upper Street, London, N.1
Telephones: CANonbury 2487-2488-2489
Established over Half a Century

JOHN BRAY & SONS
ESTABLISHED 1864
AUCTIONEERS · VALUERS
ESTATE AND HOUSE AGENTS
1 Devonshire Place, Devonshire Road, Bexhill-on-Sea
Telephone : Bexhill 14 *Telegrams :* John Bray, Bexhill

WATERER & DICKINS
CHARTERED SURVEYORS, CHARTERED AUCTIONEERS & ESTATE AGENTS, VALUERS
133 HIGH STREET, BROMLEY, KENT
Telephone : RAVensbourne 0147/8

Established 1843
GEORGE LOVEITT & SONS
A. GREAVES, F.A.I. G. W. M. LOVEITT, A.R.I.C.S., F.A.I.
W. R. SPENCER, F.A.L.P.A. A. R. POMFRET, F.A.I.
Auctioneers, Surveyors, Valuers and Estate Agents
Management of Town and Country Properties
Inventories prepared Probate and Mortgage Valuations
Rating Appeals and Compensation Claims
29 Warwick Row, COVENTRY
Telegrams : "Presto" *Telephone :* 3081/2/3/4

JOS. RIMMER & SON
(Established 1860)
C. F. Reid, F.R.I.C.S., F.A.I. R. Hatton, F.R.I.C.S., F.A.I.
H. F. Sharman, F.R.I.C.S.
Chartered Surveyors, Auctioneers and Estate Agents
SALES BY AUCTION AND PRIVATE TREATY
Mortgages arranged, Properties carefully managed. Valuations and Surveys, Compensation Claims negotiated. Rating Appeals
CORINTHIAN BUILDINGS
14/20 SOUTH CASTLE STREET
LIVERPOOL, 2
Tel.: MARitime 1066 (5 lines), *and at*
13 Hamilton Square, Birkenhead. *Tel.:* BIR 8931/2
110 Station Road, Ellesmere Port. *Tel.:* ELL 1251/2

Established 1843
A. HORROX & SONS, F.A.I.
72 Albion Street, Leeds, 1
Chartered Auctioneers and Estate Agents
Specialising in all matters appertaining to the Letting, Sale, Purchase and Valuation of Licensed Property
Telephone : Leeds 24300

BAXTER, PAYNE & LEPPER
Established over 200 years
Chartered Surveyors, Chartered Auctioneers and Estate Agents
FOR ALL CLASSES OF PROPERTY, SALES, VALUATIONS, ETC., IN NORTH-WEST KENT
19 East Street, Bromley. (RAVensbourne 2234)
2 Southend Road, Beckenham. (BECkenham 3461)
2 Station Approach, Orpington. (Orpington (MM) 22226)
Station Square, Petts Wood. (Orpington (MM) 20363)

T. B. WESTACOTT & SONS
Surveyors, Auctioneers,
Valuers and Estate Managers
74 Camden Rd., London, N.W.1
Telephone : GULLIVER 3331/2

Gerrard 5853-3963
SHAWS
(J. H. W. Shaw, F.A.L.P.A., M.R.San.I., P.P.C.I.A., F.V.I.)
ESTATE MANAGERS, SURVEYORS AND VALUERS
Estate House, 85 Shaftesbury Avenue, W.1
Also at
149/151 Dulwich Road, Herne Hill, S.E.24. BRIxton 7866/7
101 Western Road, Hove, 2, Sussex. Tel. 71231/2

A. G. RICHARDSON & SON
CYRIL RICHARDSON, F.R.I.C.S.
CHARTERED SURVEYORS, LAND AGENTS, AUCTIONEERS AND VALUERS
86 HIGH STREET, STEVENAGE, HERTS.
Telephone : Stevenage 1323/4

CORRY & CORRY
D. A. W. WARE R. M. SAVAGE
Valuers, Surveyors, Auctioneers and Estate Agents
264-266 KENSINGTON HIGH ST., W.8
Telephone : WEStern 9601
Branches at
HARROW, EASTCOTE, RICKMANSWORTH, STAINES AND ASHFORD

HOTELS AND RESTAURANTS
HAMMERSLEY KENNEDY & CO.
19 Hanover Square, London, W.1
Telephone: MAYfair 6857
have, since 1899, specialised in the sale and valuation of hotels and catering businesses to the exclusion of any other branch of estate agency. The partners are members of the leading professional bodies.

London and Home Counties
SPECIALISTS FOR 100 YEARS
VALUATIONS, SALES,
PROPERTY MANAGEMENT
Salter, Rex & Co.
311 KENTISH TOWN ROAD, N.W.5
GULliver 1085 (5 lines)
24/7 HIGH HOLBORN, W.C.1
HOLborn 4819

H. E. WINGFIELD & CO.

BUYERS OF
FINE STAMPS
STAMPS VALUED FOR PROBATE AND INSURANCE PURPOSES
Call, write or 'phone
Miss R. Titford or Mr. A. L. Michael at
392 STRAND, LONDON
(OPPOSITE SAVOY HOTEL)
Tel.: TEMple Bar 4136 W.C.2

SOCIETY FOR THE ASSISTANCE OF LADIES IN REDUCED CIRCUMSTANCES
Founded by the late Miss Smallwood
Patron : HER MAJESTY THE QUEEN
This Society is entirely supported by voluntary contributions. For over seventy years we have waged war against poverty and distress, and in that time many hundreds of poor ladies have been helped through the administration of this Society. If you cannot give a donation now—please remember this work in your Will. Will Lawyers kindly advise their clients to help this Society, making cheques payable to:—
MISS SMALLWOOD'S SOCIETY, Lancaster House, Malvern

Printed and published in Great Britain by THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., Oyez House, Breams Buildings, Fetter Lane, London, E.C.4. Phone : Chancery 6855. Agents—The United States and Canada : The Carswell Co., Ltd., 145-149 Adelaide Street West, Toronto, 1, Canada ; Australia and New Zealand : The Law Book Co. of Australasia Pty., Ltd., 140 Phillip Street, Sydney, N.S.W. ; India and Pakistan : N. M. Tripathi, Ltd., 164 Princess Street, Bombay.
Published Weekly, 1s. 9d. Friday, June 9, 1961 Registered at the G.P.O. as a newspaper